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CALENDAR
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AMERICA AND WEST INDIES
1728—1729

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The reference "A.P.C." is to the printed *Acts of the Privy Council, Colonial Series*, "Journal" to the printed *Journal of the Commissioners for Trade and Plantations.*

Note. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Phrases in italics are summaries of matter of slight importance. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS is rubbed or torn.

CORRIGENDA

p. 27. *no.* 39. *For* " drying " *read* " dyeing."

p. 33. *no.* 50 i. *For* 13th Jan., 1727 *read* 13th Jan, $172\frac{7}{8}$.

p. 362. *no.* 688. *For* " Josiah Millard " *read* " Josiah Willard."

In the numbering of the documents the numbers 242 to 260 inclusive have been omitted by inadvertence. There is no gap among the documents as calendared.

INTRODUCTION

While 1726 and 1727 were comparatively quiet in British colonial affairs, the two years covered in this volume, 1728 and 1729, were full of business. This is indicated in its size as compared with that of the preceding volume. The text of the *Calendar* for 1726-7 covered 432 pages and included 854 items; that for 1728-9 fills 588 pages and 1068 documents are abstracted.

I.

GENERAL.

War with Spain.

In the colonies, as in the field of European politics, the outstanding feature of the period was the culmination in war of the long-standing and acrimonious disputes between England and Spain over the commerce of the Indies. There was no formal declaration of a state of war, there were no campaigns on a large scale, and save for Spain's unsuccessful operations against Gibraltar, hostilities were practically confined to the attacks of Spanish privateers and guarda costas on British commerce in American waters. From these papers it is impossible to get a connected narrative of the naval operations by which Great Britain was attempting to cripple Spain by the blockade of her treasure fleet, but we learn that at the beginning of the period Admiral Hosier was still cruising with his squadron off Cartagena (33), and it was said that the galleons lying there were so rapidly deteriorating that it was doubtful whether they would be seaworthy enough for the voyage to Europe. (43). From time to time we get glimpses from the Jamaica despatches of the difficulties that our commanders had in maintaining the blockade. They had to keep their ships supplied from the base at Port Royal, and the narrow self-interest of the colonists hampered them at every turn, but the colonial papers only give a few side-lights to the naval historian upon what was going on.

Admiral Hosier and the Jamaican planters.

The agent in Jamaica of the contractor for victualling the Navy wrote to the Secretary of State to complain of the passage by the Jamaican Assembly of an Act which would have the effect of monopolising the rum produced in the colony for the benefit of the planters and middlemen to the detriment of the navy. Much of the sickness that was crippling Hosier's crews off Cartagena was attributed to the scarcity of rum, and several times the Admiral was obliged to quit the coast and thereby give opportunity to the Spaniards to escape his blockade. Because of the hardships imposed by the Jamaicans upon the rum-contractor and their insistence upon exorbitant prices, he threw up his contract at the very juncture of Hosier's operations against Porto Bello, and his successor could only break the ring by bringing in rum from Barbados direct to the ships in Port Royal harbour and refusing to pay any Jamaica dues. (179).

Depredations of the Spanish privateers.

Our ships could meet with nothing out of harbour, the Spaniards showing no willingness to fight but keeping close in port under the guns of their batteries. (35). This not only caused their vessels to deteriorate (119) but led to much slackness in the British ships which spent much of their time at Port Royal. Trade was stagnant, and the effect of the depredations of the Spanish privateers was felt as far North as the waters off the coast of New Hampshire, (71), but the embargoes upon either side, though they caused losses and inconvenience to the merchants, led to no result, for they were not vital to the fortunes of either side. The Spanish privateers were well armed and well led, and they let nothing escape them off the Jamaica coast, (p. 95) so that it was difficult for the Governor to get his letters through to England, (185). The operations of the privateers off the coast of Virginia compelled the introduction of a convoy system (p. 126) that was much disliked by the merchants but was essential to the safety of their ships, and in every direction there was constant irritation. The news of the assembly of the Congress of Soissons to arrange the preliminaries of peace that reached them in June 1728 was welcomed with relief in the colonies, and the merchants hastened to prepare claims for compensation for the losses they had suffered at the Spaniards' hands over a period of years (*e.g.* 233 and enclosures). A British despatch boat arrived in Jamaica at the beginning of June carrying orders for the Spanish viceroys for the cessation of arms, (239), but those orders made little effect upon the activities of the privateers.

Boundary claims and counter-claims.

The Board of Trade was directed by Newcastle to prepare a memorandum upon the disputed claims to territory in America and especially to the right to cut logwood in the Bay of Campeachy where many of the Spanish confiscations had taken place. The order was given on May 9 (191) and the Commissioners did their work as expeditiously as possible in order to prepare a brief for the British plenipotentiaries at Soissons. When they presented their report at the end of June (291), it set forth an interesting resumé of the rivalry with Spain on the Carolina boundary and in the West Indies since the reign of Charles II. The Government were able to place this report side by side with the budget of correspondence that had passed between the Governor of Havana and President Middleton, acting-Governor of South Carolina showing how complaint was answered by complaint and what a complicated wrangle had gone on (281 and many enclosures).

Frontier atrocities.

Middleton's long covering letter (281) proved what a scrambling and cruel struggle had been going on in the unsettled frontier regions near the Altamaha River. The disputes about Fort King George have been mentioned in previous columns of the *Calendar*, and the rival attempts to stir up the Indians on either side with their stories of raids, burnings and scalpings in the border settlements remind one on a smaller scale of the more celebrated frontier struggle between the French and the English in the Ohio country a quarter of a century later. The conditions of American border warfare were the same whether in the north or the south, near the Great Lakes or between Carolina and Florida.

Threatened Spanish attack on Jamaica.

The news of the publication of orders for the cessation of arms reached the West Indies in July, (324), but the Spanish privateers continued their depredations, as we learn by the complaints from many of the island colonies (394). By September it was clear that the negotiations at Soissons had failed, and the

Government learned that the Spaniards were making preparations to despatch naval reinforcements from Europe and were planning hostilities against the British West Indies on a more considerable scale (394). It was believed that Jamaica was threatened, and Governor Hunter was warned to put the island immediately in a state of defence. Thenceforward for the next twelve months the despatches to and from Jamaica were filled with discussions of the fortification of the island and the accounts of the Governor's incessant activity in carrying-out the orders that had been given to him (see especially 601, 604, 605, 621, 677, 690, 780, 835). Plans for counter-attack were also considered ; an examination was made of the contributions that might be expected from the North American colonies to any expedition against the Spanish possessions in the West Indies, (539), and Colonel Hart, lately Governor of the Leeward Islands, was consulted about a plan for attacking Porto Rico (698). Walpole was a peace-loving Prime Minister, but he clearly had no intention of being caught napping if his elaborate diplomatic moves in Europe should fail and war should threaten vital British interests on a considerable scale.

New fortifications.

It was the well-understood principle that H.M. Plantations abroad and especially the most considerable of them were to provide themselves with the necessaries for their defence (p. 408), but the circumstances of Jamaica were so specially dangerous and the Government was so concerned with the preservation of so valuable a part of the Dominions in America that they were willing to furnish the island with ordnance and all manner of necessary stores from home, and Governor Hunter was thus assured that the new fortifications he was building (835) would be properly supplied, although no provision for them had been made by Parliament (780). However, by June 1729, it appeared that the preparations in Spain against Jamaica were suspended, and although the privateering against British ships in the West Indies continued, things seemed to be moving towards an accommodation of the disputes between the two powers. The course of events was set out in a memorandum, probably prepared by Charles Delafaye for the Duke of Newcastle, and though it is not dated, it was certainly prepared in the latter

Treaty of Seville.

part of 1729, (1055), after the negotiations for the Treaty of Seville had commenced or possibly after its conclusion. That took place in November 1729, and England and Spain were formally at peace once more just as our period closes. The peace was clearly a precarious one, and the writer of the memorandum congratulated the ministry that at any rate the preparations that had involved so much trouble and expense would not have been wasted, for Jamaica was in an excellent state of defence against any future eventualities (p. 580).

Questions under the Neutrality Treaty of 1686.

The friendly relations subsisting between France and Great Britain were reflected on their colonial frontiers, and the despatches contain fewer references to border friction than usual. The Treaty of Peace and Neutrality of 1686 was regarded as still being in force, and an interesting question arose under the provisions of its fifth and sixth articles and was referred to the Law Officers for their interpretation (195). By them reciprocal power was given to the two kings to seize and confiscate the ships and cargoes belonging to the subjects of either which should carry on trade contrary to the articles. Thus French ships trading with British colonies were liable to condemnation by H.M. Courts in the Plantations and *vice versa*. It was admitted that the British authorities could seize such ships, but the question was asked whether an obligation was laid upon them to seize British ships known to be lading for illicit trade with the French colonies contrary to the provisions of the treaty. The Attorney General, Sir Philip Yorke, and his colleague gave the opinion that there was no obligation to this effect in the treaty, and that if it had been intended, it could only be carried into effect with regard to British subjects by confirming the Articles either by an Act of Parliament or by Acts of Assembly within the respective Plantations, (230). As certain of the colonial Governors had acted in a contrary sense and had proceeded to a condemnation of British ships under pretence of contravening the treaty by trading with the French colonies, an Order-in-Council was issued to the Board of Trade directing the preparation of Instructions for the Governors to prevent it and the consideration of new laws to be passed in the Plantations to prevent British subjects from importing the products of the French Plantations. (238).

French intrigues among the Indians.

The long standing difficulties about French intrigues among the Indian tribes along the northern part of the frontier were less noticeable than in earlier years, but there is an interesting memorial from a trader of French birth but British allegiance, who had lived for many years among the Cherokees and Creeks along the border of South Carolina, showing that similar intrigues were being carried on among those tribes to bring them under French influence, and it proves that French designs were not confined to the northern tribes but were inclusive of the whole length of the debatable frontier beyond the Alleghanies from north to south (396), thus containing the germs of much future trouble. The long-standing rivalry between the French and the English in the Windward Islands will be referred to later when we come to deal with the West Indies.

Decline in the functions of the Board of Trade.

Turning to points of general interest relating to the government of the colonies, we find many indications that the functions of the Board of Trade and Plantations were suffering the decline that was referred to in previous Introductions. Though the Board was constantly receiving orders to make enquiries into colonial affairs and furnished elaborate reports of the results of their deliberations, there is no doubt that the effective discussion of such matters took place in the Committees of the Privy Council where the decisions were taken, to be embodied in Orders-in-Council or to be conveyed in letters from the Secretary of State to the Governors of the colonies concerned. Thus, when in November 1728 serious complaints were received from the Attorney-General of South Carolina against the proceedings of President Arthur Middleton, Acting-Governor of the colony, the Duke of Newcastle did not refer them to the Board of Trade but to the Lords of the Committee of Council to consider what action should be taken to replace him. (498 i). The method adopted in this and many similar cases seems to contain the germs of the modern system of discussion in Cabinet committees; the Board of Trade might be consulted, but it was purely in an advisory capacity for providing information

Privy Council Committees.

upon which the Committee of Council could take action. The President of the Board of Trade, the Earl of Westmoreland, was in a far more powerful position than any other member of the Board, for he was also a member of the Council Committee. This decay of the Board was fully realised by those concerned with colonial affairs, and there is an interesting memorandum of 1728 calendared here (514), that was probably prepared by Martin Bladen, which sets forth the essentials of the question. The business of the colonies before the Privy Council (*i.e.* the effective Council corresponding to the modern Cabinet) was usually very much in arrear owing to the pressure of other business, and the writer of the memorandum proposed that the Council should set apart a certain day a week or a fortnight for Plantation affairs, and that when Lord Westmoreland was absent from Town another member of the Board might always attend to give any information that was wanting to explain the subject matter of their reports (pp. 270–1). The President of the Board of Trade had no personal access to the King, as the Chief of the Treasury and the Admiralty had, that is to say, effective action could only be taken by the Committee of Council. Both the writer of the memorandum and Sir William Keith, lately Governor of Pennsylvania, whose memorial to the Crown (513 ii) he was considering, proposed that this measure of reform should be adopted, as the Board had proposed on previous occasions (p. 271), but the idea ran counter to the general course of the development of Cabinet authority and it did not commend itself either to Walpole or to Newcastle.

The Board of Trade and Colonial appointments.

The decay of the power of the Board in relation to colonial appointments was marked, and at times they protested. Thus in August 1728 Governor Hunter of Jamaica wrote, not to the Board but to the Duke of Newcastle, to recommend the choice of Mr. Alexander Forbes to be a member of Council (342). This was regarded by the Board as a slight upon themselves and their Secretary, Alured Popple, without being formally instructed wrote to the Governor thus. " They [*i.e.* the Board] have recommended Mr. Forbes to be of the Council as you have desired. Upon this occasion I must observe to you that the Board have ever thought themselves by virtue of the Commission the proper persons to judge of the qualifications of those who are recommended to be of any of H.M. Councils in America; and therefore you will do well for the future to make your application to them. It is true that persons have sometimes been proposed to a Secretary of State in order to their being appointed Councillors, but the Board's opinion has ever been asked, and none has been named but upon their recommendation. This I don't tell you by order of the Board, but I thought it might be of service to you to receive this private information." (469). However, when the Order-in-Council was issued formally appointing Forbes, it was stated to be "as proposed by the Council of Trade" (503), and so their face was saved. But there can be no doubt that the Board commanded little credit either at home or in the colonies. In his dispute with Massachusetts, for example, Colonel Dunbar had to protest in support of the Board's report upon his schemes that "they are not a set of broken merchants, as some people [in Boston] take the liberty to say, but men of quality, character and fortune, and members of either House of Parliament." (1042 ii).

Constant demands for information.

The insatiable demands of the Board for information were always somewhat neglected by the smaller colonies and especially by those without Royal Governors, for the authorities there knew that there was no way of effective reproof and they were anxious to escape the labour of collecting the data required. As a rule, the Board seem to have let things slide, but occasionally they bestirred themselves and circular letters were written to demand answers to their enquiries. Thus in June 1728 they wrote to Connecticut, Rhode Island and Maryland, which had been particularly slack in complying with requests for information. "It is H.M. pleasure and express command that the Governors of all his foreign Plantations do from time to time give unto us frequent and full information of the state and condition of their respective Governments and Plantations, as well with regard to the administration of the Government and justice in those places, as in relation to the commerce thereof: and more particularly that the said Governors transmit unto us yearly accounts of their said administration by way of Journal, together with the Acts of Assemblies." None of these had been regularly supplied by the colonies concerned, and in fact papers from them are noticeably lacking among the documents here calendared. The Board went on to say " We remind you of sending over a complete collection of the laws, which has been so often promised some years ago by several Governors, upon letters writ them from the Secretary of this Board for that purpose." (289). But no compliance with these requests could be secured and no answer appears to have been received. As is recorded upon the endorsement, duplicates of the letters had to be sent in 1731, and the incident illustrates the passive neglect by these smaller colonies of the regulations by which they were nominally bound.

In December 1729 the Commissioners were ordered to make a general representation upon the state of the king's islands and territories in America and they forwarded two circular letters, the first set to the Governors of the island colonies (1009) and the second to the Governors on the Continent of America (including the Governor and Company of Connecticut and Rhode Island), (1011), setting forth a series of queries to which detailed answers were required. The queries differed somewhat in respect of the islands and the continental colonies, but in each case the Board requested that an annual return should be made to the queries and that they should be apprised from time to time of any alterations happening in the circumstances of the respective governments. On the same day a special enquiry was sent to Barbados asking whether the precautions mentioned in reply to their previous queries in October 1724 by the appointment of a sloop to prevent goods running in small creeks had been effective and what might be done to discourage a smuggling trade with Martinique or other foreign plantations without burthening the revenue of the Customs with too great an expense. The Board concluded with the pointed question " How stand the generality of the people of Barbados inclined to promote or discourage a smuggling trade with Martinico or any other foreign Plantations " ? (1010 i), for they had reason to believe that a considerable leakage went on not only to the French islands but also to the Dutch plantations in Surinam. Barbados was in special relation with the disputed Windward Islands and the settlements in Guiana just as Jamaica was with the logwood cutters of Campeachy and the Moskito Shore.

Prayers for the Royal Family.

In the Introduction to our previous volume reference was made to the doubt that arose in certain colonies, particularly in Barbados, about the form of prayers for the Royal Family after the accession of George II. The matter was now formally cleared up by Order-in-Council, and special printed instructions embodying the new form of the prayers were sent out to all the Governors of the Plantations (144).

Absentee Patent Officers.

The question of patentee officers and their employment of deputies gave rise to the introduction of special clauses into many of the new warrants of re-appointment which were necessary at the beginning of the reign. A series of such letters of re-appointment will be found under date 29 February 1728, and it appears that Colonial Secretaries held office during pleasure and were required to reside and not "be absent without H.M. leave." Similarly Attorneys-General and Chief Justices were required to reside, but no such provision was inserted in the warrants for Clerks of the Market. The Clerk of the Navy Office in the Leeward Islands could serve by deputy, but the Naval Officer at Piscataway was required to reside, (73–87 inclusive). It is impossible, however, to be certain whether there was a settled policy in regard to any but key appointments or whether favouritism was shown by Newcastle in particular cases, of which he has sometimes been accused. There was certainly something other than principle at work in such a case as that of Thomas Windham. On 29 February 1728 he was re-appointed Register of the Chancery Court and of Patents in Jamaica, and a clause was ordered to be inserted in his warrant obliging him to reside. (75). But on March 21 a fresh warrant was issued to him granting licence of absence to him and permission to exercise his office by deputy, "he having humbly represented that being employed in [the king's] service at home, he cannot without prejudice thereto, as well as to his own private affairs, attend the said office in person." (126). We have here, in fact, a patent job in favour of a member of the powerful Windham family.

Payment of officers by fees.

In even the larger of the island colonies, where there were no salaries attached to offices and the holders were paid by fees, these were so small in amount that one man had to hold several offices to make a living. Thus Francis Whitworth was at the same time Secretary of Barbados, Secretary to the Governor and Council and Clerk of the several Courts. He had to provide an office and stationery and employ clerks to copy the Minutes and Acts, but he found it difficult to obtain payment of his fees, and in 1728 they had been mounting up for nine years and had reached the sum of over 1300*l.* which he had to petition the Crown to recover from the Barbados legislature (268, 288, 364). Barbados was prolific in Pooh Bahs, of whom William Webster was an outstanding example. He was at the same time Deputy Public (*i.e.* Colonial) Secretary, Deputy Secretary to the Governor and principal Agent, Major of the Guards, Master in Chancery, Captain and Chief Gunner of the forts, Surveyor-General and Captain and Commander of the Magazine Guards. This peculiar combination of administrative, military, legal and technical offices in a single person was exceedingly unpopular even in a colony that was used to such things and Governor Worsley was hard put to it to justify his acquiescence in the scandal. (pp. 198–9).

Absentee Councillors.

Constant absence from their duties was a regular cause of complaint not only against the officials but also against the members of Council in various colonies. The Board of Trade, for instance, noted that various councillors of St. Christopher's, Antigua and Montserrat had been in England for a long time to the neglect of their duties and courteously demand explanations and an indication when they proposed to return to the islands (158, 164 etc.). In various cases they could obtain no satisfactory answers, and since the Governors often complained that they could not get a quorum to carry on the work of the Councils, the Board from time to time proposed the dismissal of Councillors who had long been absentees. Such complaints were far commoner in the island than in the continental colonies, and in the large northern colonies Councillors were rarely absent from their duties for long periods. The Councillorship was regarded as an honour to be sought after, and those who were appointed performed their duties zealously as a rule.

Payment of members of the Assemblies.

Payment of members of the Assembly had been introduced in many of the colonies, and we shall note later when we come to speak of the disputes in Massachusetts that this imposed a considerable charge upon the colony. In Virginia some interesting constitutional points arose in this connection that date back in their origin to the English Parliaments of the fifteenth century. By constitutional precedent the salaries of the burgesses for their days of attendance were chargeable only on the inhabitants of the respective counties by whom they were chosen (p. 124), but in 1728 the burgesses passed a resolve for paying their own attendance in Assembly out of the public funds raised by a duty on liquors. This resolve, being sent up to the Council for their concurrence, was rejected: whereupon the burgesses immediately prepared a bill to apply the public funds in the hands of the Colonial Treasurer towards the discharge of their salaries. But this was even more distasteful to the Council and was thrown out by a larger majority than before to the great discontent of the House of Burgesses (p. 123). They insisted that the duty upon liquors was raised to lessen the levy by poll tax, which had been appropriated to the payment of their salaries on previous occasions. But the Council maintained that it was charged equally on all the people of the colony, and that it would be an unequal distribution of the public money to allow the same share of it to a county having a thousand tithables (*i.e.* tax payers) as to one having three thousand. The Act of Assembly which appointed salaries to the burgesses expressly provided for them to be paid by the respective counties, and the Council would not consent to another system while the Act subsisted. (p. 124). Lieutenant-Governor Gooch was very much concerned at this dispute, which he feared would be detrimental to the peace of his administration, and appealed for special instructions from the Board of Trade as to what action he was to take, but no immediate answer seems to have been given.

The same matter arose in New York and it is interesting to note that a similar process was going on to what had taken place in England in the sixteenth century when the practice of paying members' wages fell into disuse. Every county of the Province was by some act or other obliged to pay their representatives, but some of them agreed beforehand to serve for nothing, others made bargains at a rate under what they supposed they were authorised to demand. Others again made higher demands than the supervisors of the county thought they were entitled to, some demanding ten shillings and getting it, others contenting themselves with six shillings because they could get no more. To settle the disputes Acts of the Assembly had to be passed fixing the amount. (p. 474).

Powers of the Assemblies.

The vexed question of the powers and procedure of the Assemblies appeared again during this period in certain colonies and notably in Barbados. The Assembly there maintained that they had the same powers as the House of Commons in Great Britain and that they had a coercive power to call before them such persons as were able to give evidence relating to grievances and to send for persons, papers and records for the discovery and redress of such grievances. Their demand for such powers had been denied as far back as the time of King William III, but it was brought up again by the Barbados Assembly in connection with their dispute with Governor Worsley over fees (390, pp. 200–1). In Jamaica, contrary to the practice of the Councils in the continental colonies, the Council claimed a right to sit by themselves when in their legislative capacity, but this Governor Hunter emphatically disavowed and insisted that he must be present. (392).

Survival of early constitutional practices.

Another case of the survival of earlier English constitutional practice in the colonies appears in relation to the Courts of Chancery. The Governor was entitled to sit as sole judge in Chancery, and in Barbados serious complaint was made that Governor Worsley was accustomed to issue injunctions in that judicial capacity which obstructed the proper course of justice. In reply to those complaints the Governor admitted that he issued injunctions, but maintained that they were lawful. He stated that upon his arrival in Barbados he found that writs of injunction were granted till the merits of a cause should be heard, even after judgment had been given in the lower Courts, whence sometimes the cause did not come to be heard in four or five years. He granted such injunctions only till answer and further order, so that in two months time by motion it might come before the Court of Chancery, and upon hearing the merits of the petition the injunction might be continued or dissolved. (p. 101). The Governor went on to make a rule as to costs, which shows that he was in such matters exercising judicial functions in person, thus mingling them with his proper executive functions, and giving rise to the confusion of powers which later in the century became such an important cause of grievance in the colonies.

The same matter arose in Antigua, where by an Act of 1715 no Court of Chancery could be held unless the Governor was personally present in Council (p. 294), and an amending Act had to be passed to permit the Lieutenant-General of the Leeward Islands, the Lieutenant-Governor of Antigua or the President of Council to serve in the Governor's absence. The Court consisted of him and five members of Council, and the provision for a substitute would save the suitors of the Court "the charges of sloop hire in following the General [Governor] for the Great Seal, when he is absent, and also freed from the danger of losing their process as well as exposing their persons which men are so often liable to who frequent the seas." Great difficulties, too, occurred about injunctions. An injunction that had been dissolved by the Governor and Council at Antigua sitting as the Court of Chancery was sometimes upon application to the Chief Governor revived by him alone, so that contrary orders and rules were made and very great delays and charges thereby accrued to suitors. (p. 294).

Such complaints are exactly reminiscent of those that were common in England four centuries before, when the fact that the Great Seal followed the Court in its progresses gave rise to great inconveniences. The trial of actions before the King in person had long disappeared from English practice, but here in the West Indies we find the Governor, the King's representative, administering justice in his own capacity, although a layman without legal training. We may almost look upon the colonies as places for the survival of early legal forms, as in our own day the remoter mountain communities of America have been found to have preserved primitive folk music.

Chancery jurisdiction in New York.

In New York the troubles over Chancery jurisdiction became serious. The Court of Chancery occasioned more uneasiness to Governor Hunter and his successor William Burnet than all the other parts of their administration. It was strongly contended by one party in the colony that Governors were by law incapable of being the sole judge in Chancery, and that establishment of that or any other Court of Equity save by Act of the General Assembly was illegal. Another party, not so violent, planned to have a Court of Chancery established in the Governor and Council, *i.e.* similar to the plan we have noticed in Antigua, but Governor Montgomerie found the people so divided and yet so stubborn in their opinions that he would not act as Chancellor until he had special directions thereupon (p. 254). This discontinuance of the Court of Chancery to the great prejudice of all those who had causes depending there was attributed by Lewis Morris, Chief Justice of the Colony, as due to a timid and pusillanimous condescension in the Council and the Governor in the insolent pretensions of the Assembly. (827). In his letter there was enclosed a printed paper published by Governor Hunter in 1713 in reply to the resolution of the Assembly that the erecting or exercising a Court of Equity or Chancery without consent in General Assembly was contrary to the laws of England and a manifest oppression. (827 iii). The dispute had thus been going on for fifteen years at least before Montgomerie came upon the scene.

The lead against the contentions of the Assembly in this matter was taken by Chief Justice Morris, and Richard Bradley, the Attorney-General of New York, was also in conflict with the Assembly. Some of their disputes were only of interest to New York, but other matters were included that have a general bearing upon the constitutional history of the colonies and the desire of the assemblies to whittle down the Crown's prerogative. One of these concerned prosecutions by informations. By Common Law the King in the person of his Governor had the power of prosecuting by information without the leave of any of the subjects. The Assembly attempted to limit this power by passing an Act vesting it not in the Governor with the Supreme Court's advice but in the Governor in Council, where the members and their friends might prevent action in cases affecting themselves. As the Attorney-General told the Duke of Newcastle, it was generally believed that the leading men in the Assembly had formed a design not only to screen themselves and friends by this law from all prosecutions of this sort, though never so just or necessary, (which seemed to be almost the only means the Crown had to check the levelling spirit that too plainly appeared among the generality of the people of the colonies), but also to break in upon and weaken H.M. prerogative and interest. (4, 5).

Signature of money warrants.

Another direction in which the Assembly of New York was attempting to limit the prerogative as administered by the Governor was concerned with the signature of warrants for the payment of moneys out of the Treasury. By their Revenue Bill of 1726 the Assembly had voted strict appropriations for various objects, including officers' salaries. Governor Burnet had paid these salaries without a strict compliance with the votes, and in retaliation in passing their next Revenue Bill for five years they lessened the support of the Government from what it was before, reducing the salaries of those officers who were unpopular with them. Governor Montgomerie felt himself bound to reduce some salaries in proportion to the reduced amount of the Revenue voted, before he drew the warrants for their payment. He did this according to his own discretion after informing himself of the services of the respective officers. (pp. 421–2). In the case of Chief Justice Morris, his son who was a member of Council objected, and the Governor took the unusual course of putting the question to the Council whether they would advise him to sign the warrant for the reduced salary. This was the first recorded instance of the Council's advice being particularly asked about the Governor's signing salary warrants. They advised him to sign this and the other warrants, but Lewis Morris raised the whole question by a formal protest, which Governor Montgomerie forwarded to Newcastle. He maintained that, if the Assembly's contentions about appropriations were accepted in order to keep peace with them and persuade them to vote the revenue as the Governor was planning to do, the royal prerogatives would be seriously infringed. "The resolutions of the Assembly" he said "compared with the conduct of some Assemblies in H.M. American Dominions too evidently show with what views those resolutions are made and of what dangerous consequence to H.M. interest and prerogatives in his American dominions the giving them so great an encouragement to persist in their exorbitant demands and encroachments on the royal prerogative as the drawing the salary warrants according to their resolves will be." (799 i, p. 424).

Naval stores from the colonies.

In the whole of this volume there is no greater space devoted to a single subject than to the question of promoting the supplies of naval stores from America. The condition of affairs in the Baltic countries, whence the great bulk of our naval stores came, was so disturbed and our relations with Sweden and Russia so strained throughout the whole of this period that the Government were resolved to put forth strenuous efforts to find new sources of supply of the materials upon which our naval power was founded. We have noted in our preceding volume how the matter became acute during 1726 and 1727, and here our first document of importance on the subject is an Order-in-Council, (50), to the Board of Trade directing them to consider and report immediately upon a memorial presented by the Lords Commissioners of the Admiralty. They represented the illegal and unaccountable waste and destruction of the king's woods in North America and the unjustifiable liberty of the inhabitants of New England in converting the trees absolutely necessary for masts to their own use. The contractor for masts from New England had represented to them that not only had the timber suitable for masts been destroyed, but much had been exported to foreign countries. They attributed much of the trouble to the negligence of the Surveyor-General of the Woods, Mr. Burniston, who having been appointed in 1718 had never personally been in North America but constantly resided in England and never even gave them any account of his proceedings, even by deputy. The Lords Commissioners represented that it was absolutely necessary that the Surveyor-General should constantly reside in North America and employ his utmost care and skill not only in surveying the king's woods there and preserving them from waste, but in instructing and encouraging the inhabitants to propagate all sorts of stores which the country would produce. Thus American pitch and turpentine might be substituted for that of Sweden and Russia, Virginian for Riga hemp, and so on. (pp. 34–5).

The Earl of Westmoreland, who had been present at the Council when the Admiralty memorial was considered, represented to the Board the seriousness and urgency of the problem, and it was at once decided to call into counsel Colonel Spotswood, late Lieutenant-Governor of Virginia, (*Journal*, pp. 383–4) and to request him to give his opinion in writing. Other gentlemen and merchants familiar with the northern colonies were also summoned (*Journal*, p. 389), but it was from Col. Spotswood that the most valuable information was received. Within a fortnight after receiving the order he returned a full and detailed letter (94, pp. 47–53) tracing the history of what had previously been done in regard to naval stores other than masts and giving also a resumé of the state of our trade in such things with the Northern Powers. The Board at once decided to prepare a draft for an Act of Parliament "for the better and more effectual preservation of His Majesty's woods in America, and encouraging the importation of naval stores from thence." No time was lost, for on the following day the draft of the bill was submitted to Francis Fane for his opinion on points of law, (*Journal*, p. 389) and thenceforward the Board considered it from day to day until it was sent with a covering memorandum to the Duke of Newcastle a fortnight later (*Journal*, p. 391 ; 118, 133, 156). When circumstances demanded, the Board could obviously work with energy and decision.

The memorandum thus forwarded traces the history of the King's woods in America and their destruction since the beginning of the century and the premiums offered for the production of naval stores, including tar, hemp, turpentine and iron, so that it makes a good starting point for a study of the whole of this important question.

Appointment of Colonel David Dunbar as Surveyor-General of the King's Woods in America.

Before the preparation of this memorandum the Board had already taken into consideration the Instructions to be issued to Colonel David Dunbar, the energetic Surveyor-General of the Leeward Islands, who received his commission as Surveyor-General of the Woods in America at the beginning of January (*Journal*, p. 373). He was directed to reside in America in place of the incompetent Burniston, who had admitted in 1724 that he had left the functions of his office in the hands of Governor John Wentworth of New Hampshire (*Journal*, p. 112) and the Deputy-Surveyor Robert Armstrong whom we have noted in our previous volume as Lieutenant-Governor of Nova Scotia. New Hampshire and Nova Scotia, especially the disputed part of that province lying upon the mainland, were the regions from which the masts, the most essential part of the naval supplies, were obtained, appear constantly in the voluminous correspondence that passed in the succeeding months, and the question of the promotion of their supply became merged in that of the formation of a new province in the regions between them.

Settlement of Nova Scotia.

The Board fully realised that the question of the supply of naval stores was connected with the settlement of Nova Scotia (p. 110) and that the appointment of an energetic Surveyor-General would promote that object. The instructions to David Dunbar were very carefully prepared and are here printed in detail (234 i, pp. 110–2). Additional instructions were sent to the Governors of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey directing them to aid and assist the Surveyor-General and his deputies (267, 286). Dunbar did not go out to America at once, but remained in London in constant consultation with the Board while he employed his brother, Jeremiah Dunbar, as his deputy to travel through New England and put a stop to the destruction of the woods, which was admittedly rampant. (516). It is impossible to trace here the results of his energy in detail, and reference should be made to the documents themselves (notably 303, 359, 517, 547, 564, 627, 638, 670, 753). He became immersed in the project for a new settlement of Palatines to the east of the Kennebec River and was in frequent attendance at the Board to discuss it until in May 1729 he received a severe reprimand ordering him to take up his other work in person and no longer trust merely to his brother and other deputies (753). Even in July, however, he appears still to have been in London (892), leaving the active surveying in America to be carried on by his deputies, Jeremiah Dunbar and Arthur Slade.

Manufacture of potash.

In July 1729 an important memorial was received by the Board from certain London merchants through Thomas Lowndes concerning the establishment of a new industry in America which was to be of very great importance in later years. This was the preparation of potash in the American woods. The Emperor of Russia was then the sole proprietor of potash and pearl ash, and Lowndes maintained that by the returns he had from those commodities from England, Holland, Flanders and France that monarch chiefly paid his troops. If that branch of his trade were affected, he could not make the figure he did (847) (*Journal*, p. 56). The merchants represented that English imports of pot ashes and pearl ashes, which were always bought with specie, amounted to more than 100,000*l.* yearly. These commodities were chiefly used in making soap, which was absolutely necessary in the woollen manufacture and in dyeing, as also in bleaching linen. The Russian pot ashes had been for a long time monopolised by a few persons who could set what price they pleased upon them to the great prejudice of commerce (847 i). Lowndes consulted Sir William Keith upon the project and received his warm support, for he believed that the American woods were richer in the vegetable salts needed than European wood. If the people of America were encouraged to go upon so profitable a manufacture in the winter season when they had most leisure, it would insensibly draw them off from employing that part of their time in working up both woollen and linen cloth (847 i, ii). Lowndes proposed that some persecuted Protestant families of Poland, who were perfect masters of that mystery, might be encouraged to settle in North America. (847 i).

Proposals for new settlements.

This connection of naval stores and new industries in America as a method of diverting the colonists from engaging in manufactures is set out in many of the documents. (*e.g.* 481, 482, 490, 504). Dunbar's work in regard to it was, as we have said, soon merged in the schemes for planting the lands between the River St. Croix, which was the boundary of Nova Scotia, and the River Kennebec which was that of Maine. (285). These were put forward by Thomas Coram, the celebrated founder of the Foundling Hospital, and in a long memorial presented in June 1728 he set forth the history of the tract and disputed the claim of Massachusetts to monopolise it. It was loosely included in the region called Nova Scotia, and Coram maintained that the whole territory from Cape Gaspé to the Kennebec had finally been ceded by the French by the Treaty of Utrecht in 1713 so that no interference might be feared from them (p. 139). He now applied for permission to take up again the projects he had put forward under Queen Anne and George I for settling the said tract especially to further the production of hemp and other naval stores. (p. 140). He proposed to use veteran soldiers and foreign Protestants and continued " As there will continually be great numbers of future convicts condemned in Great Britain and Ireland to serve a term of years in H.M. Plantations, and to be transported thither at the Crown's expense as they are now transported : they cannot be sent to any other part so advantageous to the Crown as to employ them under strict and prudent management for the service of H.M. in clearing and cultivating the said waste and derelict land for the complete furnishing in due time [of] constant and full supplies of hemp and masts for the Navy, each convict to have after the expiration of his sentence a small portion of land." (pp. 140–1). In addition to these convicts many vagabonds in the Cities of London and Westminster might be apprehended and sent away, as he [Coram] " had seen above 800 able-bodied beggars, ballad-singers and other vagabonds seized in one day in the streets of Paris and sent away to Mississippi." (p. 141).

Emigrants from Northern Ireland.

The Board of Trade do not seem to have been impressed with the practicability of forming a colony with such wretched material, but they had other emigrants on their hands and they strove to solve more than one problem at once. It was noted in earlier volumes of this *Calendar* that Protestant families of Irish were emigrating from Northern Ireland and were settling in the frontier districts of the territory of Maine which was under the control of Massachusetts. There they were regarded with great disfavour by the Massachusetts Assembly who disputed their claims to the lands that had been assigned them. They were compelled to remove by an Act of the Assembly, and their farms were devastated in the course of the Indian war. David Dunbar in pursuit of Coram's scheme now entered into negotiation with them and applied to the Secretary of State to employ them as the nucleus of his new colony. He wrote that there were 600 families of these Irish Protestants who were desirous of settling on the east side of the River Kennebec, if lands might be assigned to them, and were living in great distress upon the small remains of what they had carried with them from Ireland. (628 i). They did not agree well with the intolerant and exclusive men of Massachusetts who threatened and insulted them as foreigners (p. 497), but they were undoubtedly first-rate colonising material, and, as they desired to settle near New England, Dunbar believed that it would be more advantageous to help them to settle in a group than to allow them to scatter through the colonies further south. He could not get them to settle in Nova Scotia because of the presence of the French Roman Catholic Acadians with whom they would not mix. (630, 631 i).

Proposed settlements in Nova Scotia.

The Board of Trade were seriously concerned with the preponderance of French in Nova Scotia, for for want of British inhabitants that province had been an expensive burthen to Great Britain ever since it had been ceded by the Treaty of Utrecht. The French had reaped the real advantages from the produce of the country, although they refused to take the oath of allegiance to the Crown (pp. 329, 330). The Board were therefore adverse to Dunbar's scheme to the east of the Kennebec and desired instead to make large settlements round Annapolis Royal and Canso, where they might raise naval stores and further the progress of new fisheries. They proposed a detailed scheme for making land grants to new settlers free of quit-rents for some years and to encourage the unmarried men to intermarry with the Indians and so raise up a Protestant population which should be a safeguard against the disloyalty of the French. Though these schemes ultimately came to nothing, they are of real interest as showing what a large amount of thought was being given to schemes of assisted emigration and how the failure to build up a new colony in Nova Scotia was not due to neglect but to circumstances over which governmental planning could exercise no control.

The Province of "Georgia."

Despite the unfavourable attitude of the Board of Trade, Dunbar persisted in his schemes (929) for a new province to be called " Georgia " between the Kennebec and the St. Croix Rivers. He strongly contested the claims of a group of Massachusetts men under the lead of the turbulent and litigious agitator Dr. Cook, who called themselves the Muscongos Company and produced what they pretended to be charters to the lands going back as far as 1629. (p. 497). Dunbar pointed out that " the famous Doctor " was the oracle of the stiff-necked generation who were contesting against the rights of the Crown in Massachusetts, and he urged that the establishment and support of a new colony on the Kennebec round churches where the rites of the Church of England could be administered without discouragement from those selfish and dogmatical people, who hated the Church and the Presbyterians alike, would curb their disloyalty (p. 499). A single paragraph from one of Dunbar's many letters on the subject both illustrates the unity of the colonial history of the period and shows how longstanding were some of the controversies that came to head in the years immediately preceding the American Revolution. " This Continent " he wrote " deserves a Bishop residing, [for] I am informed that wherever churches have been built, people have always resorted. [I pray] that his residence may be in ' Georgia,' where provision may be made for him out of the quit-rents. I am firmly persuaded that a good man who would take pains this way and encourage schools, might in time work a reformation among these independents. I could wish that Dean Berkeley's College may go on, and that ' Georgia ' might be thought a proper place for it." (p. 499).

Importation of Palatines.

In addition to the Irish Presbyterians it was proposed that families of Palatines should be introduced as settlers for the new province and the Kennebec, and Coram and Dunbar entered into negotiations with one David Hintze who proposed at 4*l.* per head to procure from the Palatinate 3, 4 or 500 families averaging four persons each "who to avoid the persecution they now groan under will be willing to transport themselves at their own expense to any country having a fertile soil that H.M. shall be graciously pleased to appoint them between the Rivers Kennebec and St. Croix." For a less fertile province he could only procure 100 families (683 i).

The number of documents concerning these many proposals is very considerable in the volume, and it is impossible to do more than refer to the main lines of the schemes. Further reference to them may be made by use of the index. (See notably 309, 628, 630, 683, 694, 695, 705, 710, 929, 932, 997, 1005, 1018, 1019, 1042, 1045, 1049).

II.

THE CONTINENTAL COLONIES.

Governor Burnet in Massachusetts.

In the Introduction to our previous volume we referred to the fact that William Burnet, who had proved his strength and capacity as Governor of New York and New Jersey, was transferred to the Governorship of Massachusetts to handle the difficult problem of controlling the Assembly of that most factious of all the colonies. Burnet's last despatch concerning the affairs of New York was dated 3 July 1728 (307), and in it he announced that, having handed over the government to Colonel Montgomerie (187), he was at once proceeding to Boston. He arrived there on July 19 and met the Assembly on the 24th (386). The battle was joined at once, and, when he sent his first despatch from Boston in the middle of September, Burnet wrote that he had been sitting with the Assembly ever since his arrival in order to obtain from them a fixed salary in accordance with his Instructions (386). He announced that he intended to continue the session until they complied, "so that the country who pay 1000*l.* a month to the Council and Representatives by way of wages during their attendance, may feel the inconvenience of their standing out." (387). At the end of the month he reported that he had reduced them to silence and that they seemed to have no expedient left but to meet and adjourn from day to day and do nothing. He would give them no recess, and under the terms of their charter they did not dare take it of themselves. He would not accept the presents they offered him, for he chose to be destitute of all support rather than give way on the important matter of principle involved. (404). So matters went on till October 24 when the Assembly flatly refused to comply with the Governor's demand for a fixed salary according to his Instructions, and Burnet determined to remove the legislature from Boston, whose freeholders were assembling in public meetings to withstand him. (429 i). He had adjourned the General Court to Salem, he told the Board of Trade, for the following reasons, "This town of Boston has shown their disrespect and undutifulness to H.M. by calling a general town meeting of all the freemen of this town" and the example has been followed by some towns in the Province and three or four have unanimously given instructions to their members to vote against fixing a salary on the Governor. "This attempt, of which Boston set the example, is of so dangerous a nature to the Constitution if it should be drawn into precedent, and has been so maliciously employed at this time that I thought it necessary for the Government to show its resentment upon it. The people of the town are continually endeavouring to pervert the minds of the members that come from the country, who it is to be hoped will not be so much tampered with in the country and particularly at Salem where the people are generally well inclined, as the members for that place are." (pp. 225–6).

He strongly recommended that the undutiful behaviour of the Massachusetts Assembly and especially their attack upon his Instructions from the King should be referred to Parliament that they might assure H.M. that the Instructions were in no way contrary to the Charter granted by King William, and thus, while there would be no final decision against the charter, the Assembly might be made apprehensive of losing it and brought to a true sense of their duty. (pp. 227, 430).

When the Assembly met at Salem, they proved as recalcitrant as ever. They disputed the Governor's power to adjourn them for two months and refused to do any business until the clamours of the people forced them to proceed with the ordinary affairs of the Province. They drew up a memorial of which they refused to let the Governor have a copy, but instead forwarded it direct to their agent in London for presentation to the King. (571). However, the Governor was aware of its terms and sent his comments upon the complaints it contained and the erroneous constitutional doctrines it set forth before the document was received in London (571 i, 576). We can therefore compare the rival contentions, for the Address is set out in full when it was referred by the Privy Council Committee in February 1729 to the Commissioners of Trade for their opinion (582). The Board decided to hear both counsel for the Assembly and for the Governor before they made their report (592, February 11, *Journal*, p. 14). The counsel attended accordingly (March 22), and their arguments are set forth at length in the pages of the *Journal* (pp. 16–18) and form a necessary complement to the documents here collected. The Board's report was completed by the 27th and forwarded at once to the Duke of Newcastle (643) and to the Committee of the Privy Council (644, *Journal*, p. 20), so that no time was lost, but it was not until a month later that the Committee of the Privy Council considered the matter, set forth their opinions at length and recommended the acceptance of the Governor's and the Board's proposal that the whole matter should be laid before the Parliament of Great Britain (*Acts of Privy Council, Colonial Series*, 1720–45, pp. 108–11 and no. 728). It is interesting to note how far matters had moved between the seventeenth century, when the House of Commons was held to have no competence to debate colonial affairs, which were the concern of the Crown, and 1729 when Governor Burnet, Commissioners and Privy Council alike take it for granted that Parliament is the supreme authority and alone can compel the obedience of the colonial legislature. We can in these papers discern that differentiation of logical but divergent constitutional ideas on either side of the Atlantic which was to play such an important part in the disputes of forty years later.

While the matter was being discussed in England, the situation in Massachusetts got more and more menacing. The removal of the Assembly to Salem had roused the Bostonians to fury, and the Governor had to write that they were endeavouring to wrest the sword out of the Royal hand. They were trying to strip the Governor of all military authority, to stop the pay of the forces and to carry further the process already far advanced by which the soldiers and officers were much more at the command of the Assembly than of their proper commander-in-chief. The only way of combating this was to post two Independent Companies of troops in the immediate pay of the Crown in garrison in the Castle at Boston and in the small forts on the frontiers, in the same way as in New York. (647). Nothing else could give the Government some weight and make the King respected by the people " who at present value themselves upon the feebleness of the Administration." (648).

The Ministry had made up their minds to lay the whole matter before Parliament, as Newcastle informed Burnet (June 1729, 792, 793), when the prorogation prevented action. In consequence the Secretary of State suggested in a private letter that the Governor should endeavour to come to a compromise with the Assembly by hints as to what the Crown was likely to accept. " Whatever you do of that kind," the Governor was told, " is to come as from yourself in your private capacity and to let it look like any new overture to them on the part of the Crown, as if it were not really intended to lay the matter before the Parliament." (793). These secret orders were sent in June, but before Burnet could take any steps to comply with them, death suddenly seized him.

Death of Governor Burnet.

The Assembly was sitting at Cambridge near Boston and voting adversely upon the Crown's demands when the news reached them that the Governor had expired in delirium after only a week's illness (904). The exact date of his death (5 September 1729) was given in a letter from his Lieutenant-Governor (Wentworth) in New Hampshire (898).

William Dummer, the Lieutenant-Governor, succeeded to the administration, but he frankly informed Newcastle that he could do nothing to bring the Assembly to compliance (904, 905). In fact, while this information was on its way, another address from the Assembly to the Crown was also crossing the Atlantic to the hands of Francis Wilks and Jonathan Belcher, the Agents for the Colony in London. It set forth at full length their complaints against the Governor and notably his action in transferring the Assembly to Salem (921 i., pp. 489–94), and its interest lies in the fact that it practically left the last word in the dispute with the New Englanders. Other letters passed during the autumn (*e.g.* 925, 927, 949, 969 ii, 985, 998), but when a new Governor came to be appointed, instead of an able and determined servant of the Crown such as Burnet had been, a Massachusetts man was chosen. It seems as though the ministers were sick of the contest and wishful to try conciliation, as Newcastle showed in his private letter in June (793). Jonathan Belcher received the appointment and questions as to his instructions occupied the rest of the year. The first round had ended with a victory on points to Massachusetts.

Governor Burnet in New Hampshire.

Burnet at the same time that he was Governor of Massachusetts also held the office of Governor of New Hampshire. There he was more successful with the Assembly than he was in the larger colony. The salary question was settled in accordance with his Instructions, but only for the time of Burnet's own tenure of the office, so that his death re-opened the difficulty once more. (747, 748, 898).

Boundary disputes between Massachusetts and New Hampshire.

The readiness of the Massachusetts men to resort to violence to reach their ends was not only to be noted in the actions of the Boston mob ; the frontiersmen were at least as violent, as was illustrated in connection with the long-disputed boundary with New Hampshire. A place called Londonderry had been settled by Irish Presbyterians for several years some 8 or 9 miles north of the Merrimac River in a district that had always been regarded as an undoubted part of New Hampshire. The Irishmen were mowing their meadows when seventy or eighty men from Haverhill armed with muskets drove them away after a fight in which several men on both sides were wounded. (253, 392). On other occasions they broke into houses in Londonderry by night and carried off certain men before Massachusetts justices, who committed them to prison as trespassers. This was done, although there was an agreement between the two Governments that all hostile action on either side should be suspended until the boundary was properly settled (898). New Hampshire, in fact, found, as Colonel Dunbar did in his schemes along the Kennebec, that while it was particularly difficult to get the authorities in Boston to make any agreement which did not secure to them all they wanted, it was even more difficult for those authorities to secure compliance with the agreement by individual citizens.

New Jersey.

Governor Montgomerie in the same way found the Quakers of New Jersey difficult to handle. They had been relieved of their political disabilities and in April 1729 formed more than half the House of Assembly. They were so elated that the Governor found them quite ungovernable, having their heads filled with wild, unpracticable schemes calculated to weaken or set aside H.M. prerogative and to bring the Government to be entirely depending upon themselves. All accounts from New Jersey, ever since the government was surrendered to the Crown, showed that the Quakers there had been insolent and troublesome when they had no favour to ask, but quiet and useful to the Government, when they had anything depending. (669).

In New York Montgomerie had succeeded to Burnet's difficulties, and these have been referred to earlier in this Introduction.

Virginia.

Circumstances in Virginia under Lieutenant-Governor Gooch were quieter than usual, but in one or two long and interesting despatches (notably 641 and 796) he showed that the colony had many dangers to dread. On the frontier were the Indians who were in incessant feuds, one tribe with another. The Nottaways and the Saponies, two tributary tribes, each accused the other of murders and outrages, and when the case was tried before the Virginia Council and no legal proof could be found, they vowed to take matters into their own hands. It was in vain to remonstrate to these savages the justice of our laws which permit no man to be punished without due proof of his crime. Their notions of justice were not to be adapted to that rule. Revenge was what both sides wanted; and because they were forbid all hostility, and were told that this matter should still be pursued and enquired into, they seemed resolved to take satisfaction their own way, expressing great resentment against the English for not concurring with them. The frontier inhabitants of the colony lay exposed to the barbarous insults of those Indians and the foreign nations they call in to their aid (*i.e.* probably not the French, but other tribes or nations of Indians beyond British territory). Any outbreak whenever they met in their hunting was likely to be full of danger, and the Governor was greatly concerned. (pp. 333, 415).

He was disturbed too by the fear of a slave insurrection, and gave account of various outbreaks in which riotous bands of negro slaves had done much damage. The secret robberies and other villainous attempts of a pernicious crew of white transported felons, which had led to the burning of certain plantations, added to the prevailing fears, and confidence would only be restored by careful attention to the drilling and arming of the militia, to which the Governor devoted himself. (p. 334). Virginia was the best organised and developed of the southern colonies, but the impression of its slave-owning, plantation society derived from these letters is that of a community filled with anxieties and in constant dread. The inhabitants were eager to take up lands amongst the great western mountains despite the frontier dangers, and there were difficulties with Maryland about the lands in the Northern Neck, watered by the streams which fall into the Rivers Rappahanock and Potomac. The division of Maryland from Virginia was dependent upon a grant made to Lord Culpepper in 1688 in which the source of the Potomac was fixed as the furthest westward limit, leaving all the lands beyond still to be granted by the Crown. But as in so many later boundary disputes in

America it was impossible to decide what was the source of the Potomac or whether the Shenandoah formed the headwaters of that river (pp. 416–7), and the Governor forwarded maps to illustrate the difficulty of deciding what to fix in the tumbled region into which emigration from Virginia was now extending. Clearly the westward march had begun in earnest.

The Church in Virginia.

Virginia was very proud that it, more than any American plantation, was united in the religion of the Church of England (46 ii), and in his allowances for the expenses of the boundary commission Lt. Governor Gooch included the payment for a chaplain, for he remarked that it was necessary for a clergyman to accompany them in a country where they could have no opportunity of attending public worship. His report proved how well he answered his purpose, for he christened above a hundred children, a great many adult persons, and preached to congregations who had never had public worship since their first settlement in those parts. Beyond the borders in Maryland there was not a single minister (p. 417).

Gooch's rather infrequent but long and informative despatches show him to have been of a keen and inquiring mind, and there are occasionally touches which are a relief to read after the interminable accounts of faction which fill most of the colonial despatches. In June 1729 he wrote from Williamsburgh to inform the Board of Trade of many wonderful cures performed by a negro slave in the most inveterate venereal distempers. The fellow was very old and had kept his remedy for many years a profound secret, but by promising him his freedom, Gooch discovered that it was a decoction of root and barks. Samples of these he sent over to a physician that the College of Physicians might have the opportunity of making an experiment what effect it would have in England. The cost of procuring the disclosure amounted to about 60*l.*, including the purchase of the negro's freedom, but the Governor thought it well worth the price, since they had learned how without the help of mercury to cure slaves who were often ruined by the unskilfulness of the practitioners Virginia alone afforded. He recommended it as an encouragement "for one of Dr. Radcliffe's travelling physicians to take a tour into this part of the world, where there are many valuable discoveries to be made, not met with in France or Italy." These were the investigators sent out from time to time by the celebrated founder of the Radcliffe Observatory in Oxford to search for new plants and remedies, and Gooch's reference to them may illustrate how the stirrings of the new spirit of modern scientific enquiry were familiar to an enlightened colonial governor. (p. 419).

The Carolinas.

The ministry had now decided to terminate the anomalous state of affairs in the Carolinas where although the Crown had had to take over the whole responsibility of government, the Lords Proprietors still obstructively tried to enforce the remnants of their rights. It was resolved to buy out the remainder of the rights under the Charters, a course that was recommended by Thomas Lowndes who had acted as intermediary between Lord Westmoreland, acting on behalf of the Crown, and the Lords Proprietors (565). He proposed that North Carolina should be made a district of Virginia where the quit-rents and the tenths reserved upon the whale fishery would discharge the expenses advanced by the Crown. It was acknowledged by all persons that "the most fertile and healthy part of all America is the tract of land between Port Royal in South Carolina and Florida, and well-watered by navigable rivers" it would be an admirable site for a new settlement. (566). In immediately succeeding volumes we shall note how this suggestion was carried into effect.

The delimitation of the boundary between Virginia and North Carolina had been entrusted to commissioners, but their proceedings gave rise to many complaints of favouritism and illegality. Their reports give exact information concerning the extent of settlement in the frontier regions and though they can only be listed here owing to the impossibility of summary, their field books and surveys which are preserved among the documents would be of great interest to local historians. (45, 184, 261 iii, 515, 781, p. 335, 641, v, vi, vii).

The scandals of President Arthur Middleton's acting-governorship in South Carolina continued for a couple of years

(459, 498 i) before a new Governor was selected to succeed General Francis Nicholson, who all that time had been on leave in England. The choice was fixed upon Colonel Robert Johnson, and at the end of 1729 under Lord Townshend's direction the Board of Trade began the long task of preparation of his commission and instructions. (987). Since Johnson was to be full Governor of what was now to be a royal colony, the Board necessarily had to consider in detail whether any modification of his instructions was necessary from those given to Lieutenant-Governor Nicholson, who had provisionally taken over the administration of the colony for a period to clear up the chaos to which the rule of the Lords Proprietors had reduced it. (*Cal. St. Pap., Col.*, 1720 August 11, no. 185). Johnson had already been Governor of the Colony under the Proprietors, and he was therefore thoroughly familiar with its importance as the outlying post against Spanish Florida. (See *Cal. St. Pap., Col.*, 1719-20, 1720-1, *passim*).

III.

THE WEST INDIES.

Jamaica.

As was stated in our previous volume, on the death of the Duke of Portland he was succeeded in the Governorship of Jamaica by an able and energetic soldier, Major-General Robert Hunter, who had had long experience as Governor of New York and New Jersey, where he had won a high reputation for tact and decision. In Jamaica his letters were much less voluminous than those of his predecessor. They were as frequent in number, for in the imminent danger from the Spaniards, which we have mentioned earlier, the ministry had to be kept fully informed of what was happening. The letters, however, were shorter and perhaps more to the point, for Hunter was immersed in the military task of putting the island in a proper state of defence, and either he found the Assembly quieter (197, 591) or he had more tact in dealing with it than Portland had displayed.

The long and acrimonious disputes over the Revenue Bill were brought to an end by the passage of an *Act for granting a revenue to H.M. for the support of the Government and for reviving and perpetuating the acts and laws*, which was in exact accordance with the draft sent from England to the Duke of Portland. In certain phrases synonymous words were substituted, but in material substance all the demands of the Crown were accepted. Governor Hunter therefore recommended that the assent to it which he had given should be approved. With the Assembly's return to reason after its long bout of passionate faction things were quieter in the island than they had been for many years.

A serious danger to the safety of Jamaica arose, in Hunter's opinion, from the treachery and disloyalty of the Irish. The militia which formed a most important part of its defence consisted chiefly of hired or indentured servants, who were for the most part native Irish. By their backwardness, mutinies and desertions they were always troublesome, but now they openly declared that they had no quarrel with the Spaniards and would not fight against them. The Governor had undoubted proofs of a treasonable correspondence between the Irish faction and the Governor of the Havana, although he failed to discover the ringleaders. His only resort was to declare publicly that in case of an attempt of the Spaniards to land in Jamaica he would post a reserve of negroes in the rear of the Irish militia with orders to knock down any man who should desert or fly from the ranks. A poor remedy, as the Governor remarked, but all that was in his power. (895, 1055, p. 580).

The Bahamas.

The Spanish threat was, as we have remarked earlier, also very serious to the Bahamas. George Phenney's long tenure of the Governorship had at last been terminated and Captain Woodes Rogers had been appointed to succeed him. In his Instructions he was directed to summon General Assemblies of the freeholders and planters (701 i), and the colony was thus placed at last on the same footing as the other islands in the West Indies. Woodes Rogers arrived in New Providence in August 1729 and his first letters thence were dated in November (964, 965), but they had been preceded by an interesting report on the conditions in the colony from Richard Fitzwilliam, the Surveyor General of the Customs for the southern American colonies, to the Commissioners of the Customs. He showed the smallness and poverty of the community there, for there were only about 500 white people and 250 negroes with only 20 small vessels who were engaged in petty trade with South Carolina and Jamaica (920 i). This accounts for the long delay in establishing a form of representative government, and Woodes Rogers was anxious to receive new inhabitants from the Bermudas, for they had a good reputation as industrious people and would enable the colony to become self-supporting by raising supplies of provisions (p. 519).

Bermuda.

In Bermuda the period was uneventful and the only notable happening was the arrival in September 1728 of the new Lieutenant-Governor, John Pitt. He remarked upon the accumulation of several incompatible offices in the hands of a few men who were at the same time Councillors, judges of the Common Pleas and justices of the Peace. This was apparently due to the scarcity of educated men in that rather primitive community, and though Pitt tried to clear up the impropriety of men acting in this triple capacity, he does not seem to have had much success. (438, 497). Currency in the islands was extremely scarce, and Pitt therefore proposed to purchase 200*l.* worth of English half-pence and lodge them in the Treasury for the payment of public debts at the rate of three-farthings each. (497 i). His calculations as to the gain that would accrue illustrate the minute scale on which the colony with its elaborate constitutional machinery of Council, Assembly, judges etc. was really working. There is almost a comic disparity between the machine and the petty affairs with which it had to deal. (497 i).

The Leeward Islands.

Colonel Hart, the Governor-in-chief of the Leeward Islands had returned to England late in 1727 and the Earl of Londonderry was appointed to the post (3, 11, 14, 15, 16), but he did not arrive in the islands until August 1728 (397), and in the interim the officer administering the government was Colonel Matthew, the Lieutenant-General who had already acted on previous occasions. The relative importance of the various islands of the group and the changes that had taken place were set out in the enquiries that Matthew addressed to the Board of Trade as to what should happen if he were incapacitated while administering the government. The provision in case of the Captain General and Lieutenant-General's death or absence was that the chief government should devolve to the Lieutenant-Governor of Nevis or at his death to the eldest Councillor and Council of that island. That provision was made when Nevis was the first seat of trade in the islands, for St. Christopher was shared with the French and lay open to their attack. At that time Antigua was hardly cleared of woods and Montserrat hardly settled. But in 1728 Nevis had quite lost its trade and was a desert island compared with what it had been thirty years before. Antigua was the chief centre of trade in the Leeward Islands with St. Christopher a good second, and it seemed fitting therefore that its Lieutenant-Governor should take precedence. It was unfitting that a Councillor who held quite a junior place in the General Assembly might be placed by an accident in charge of the most important post in all the islands (p. 14).

Montserrat.

Captain Paul George, the Lieutenant-Governor of Montserrat, who had been so persistent in his applications for preferment to the Duke of Newcastle, was losing heart and when he learned that his last petition, for the governorship of Bermuda, had failed begged that he might be permitted to dispose of his Governorship and Company for about 2200*l.* and retire to South Carolina, for he saw no probability in the station he was at present in of laying up anything towards discharging such debts as were the occasion of his leaving England. He had served twenty-five years in the army and had received no reward (31), but even his last appeal was unsuccessful. Seven months later, in September 1728, Lord Londonderry wrote to Newcastle to inform him of George's death and to ask permission to dispose of his Deputy Governorship, which was worth about 200*l.* per annum. (397).

The smaller islands.

The government of the smaller islands had to be provided for by the appointment of gentlemen who would pay their own expenses, for they could make no contribution towards a salary.

There were a good many British subjects in the islands of Anguilla, Spanish Town and Tortola, and a particular Lieutenant-Governor to each, but as Matthew said "If his cudgel happen to be a whit less than a sturdy subject's, 'Good night, Governor'." There were continual contentions in those islands about their *meum* and *tuum* and the strongest had the best title, so that to bring some sort of judicature among them Matthew recommended the establishment of some sort of a court where every man might be heard to tell his own story. (p. 15). The people ought to be protected against the tyranny of a pasha such as some of those who had ruled over them had been.

The amount on the most populous of these islands hardly reached 200 families and juries could not be found among such small numbers. The gentlemen of the Bar would not attend, as they could not be paid, for a retaining fee at the usual rate would empty the pockets of a whole island. Among petty affairs such as the islands alone afforded a persistent and greedy self-seeker with some influence in England could become a pluralist on a most extensive scale. Such an one was that Wavell Smith, Secretary of the Leeward Islands whose disputes with Governor Hart have been mentioned in previous Introductions. In those disputes he had received what he held to be a favourable reply to his claims to hold a large number of small offices under his patent, and he demanded that Matthew should extrude all other persons from the offices and let them recover them from him by process of law. The Lieutenant-General clearly dreaded Smith's contentiousness and strove to keep friends with him (p. 16), but it was of very little avail and there are many letters in the volume about his outrageous claims (69, 91, 181, 318, 713, etc).

Early death of Lord Londonderry.

Lord Londonderry's tenure of the Governorship did not last long. He arrived in the islands in August 1728 (397) and actively took up his functions, but he died in September 1729 and Lieutenant-General Matthew was again in charge of the administration. He had held the second post in the islands for the long period of fourteen years and naturally he petitioned for the definitive appointment to the Governorship he had so frequently administered, (902, 903, 991). But he could command no influence at Court, and so his plea had no hope of success despite the services he had rendered to the Crown as Commissioner for the disposal of the French lands in St. Christopher and Engineer of Gibraltar during the attacks of the Spaniards (991). Secretary Townshend secured the post for his own nominee, George, Lord Forbes, and in November 1729 the Board of Trade was ordered to prepare drafts for his commission and instructions. (990).

Floating population of the islands.

There was still a residuum of the floating and unsettled population in the West Indies which had been such a notable feature of the latter part of the seventeenth century. Landless men both English, French and Dutch, who had been extruded from their little holdings by the growth of larger plantations worked by negro slaves, surged backwards and forwards among the unoccupied smaller islands in search of a living or provided recruits for the gradually dwindling companies of the buccaneers. It was the tragic ending of the great white emigration that had poured into the West Indies in the first half of the seventeenth century. Our documents afford no direct evidence of the feelings or desires of the dwindling remnants of the stream that a century before had been at flood, for the descendants of the first comers were quite unvocal and had no influence on the richer planters who had held their own. But there are many indications here and there that these 'poor whites' still existed, and it would be an interesting and significant task to piece these together to make a complete story of the social tragedy that had engulfed one of the greatest streams of emigration that ever left the countries of Northern Europe. By tracing from our indexes the events in the smaller islands of the Virgin Islands and the Leeward group, like Santa Cruz, Barbuda, St. Eustatius and Montserrat, a beginning might be made with the English, Dutch, Swedes and Danes among this flotsam, while the struggles of the French from Martinique and Guadeloupe and the English from Barbados to occupy Dominica, St. Lucia and Tobago and other of the Windward group would give another aspect of this story which is a neglected but essential part of the history of the West Indies. (see *e.g.* 664, 790, 821, 684, 34, 41, 526, 184, 664, 802, 1032, 1053 for certain islands.)

Barbados.

Governor Worsley despite the complaints of the Barbados Assembly against him (6, 518) was re-appointed to his Governorship (154) and the unending wrangles in the island went on, but without affording many points of constitutional interest (see *e.g.* 20, p. 7, p. 9, 207, 297 ii, 362, 389). There are some indications that the interest of planters from Barbados in new plantations in Guiana, which became of considerable importance later in the century, had already begun. Jeronimy Clifford who had held important plantations in Surinam, of which he had been dispossessed by the Dutch Proprietors of that colony, was still petitioning in support of the claims for compensation that he had brought forward more than twenty years before. (See *Cal. St. Pap. Col.*, 1704-5, Preface p. xxix and various documents). Sir Robert Walpole advised him to drop his claims against the Dutch, but it does not appear on what grounds. Whatever British contacts there were with Guiana came through Barbados, but another side line of British activity on the coast of the mainland started from Jamaica and it was through the Governor of that colony that the Government were informed of what was going on.

Connection with Guiana.

The logwood cutters of Campeachy.

As buccaneering and piracy were gradually put down in the Caribbean by the pressure of the ships of the British and French navies, the buccaneers found an outlet for their energies and the readiest means of making an honest living by cutting logwood on the unoccupied coasts of Campeachy. There, despite the protests of the Spaniards and repeated efforts to drive them out, they had formed a settlement at the Laguna de Terminos (191), and this provided a knotty problem for the Commissioners of Customs and the Board of Trade who were jointly charged with the supervision of the Acts of Navigation. The logwood cut in Campeachy was often carried directly to Holland and other foreign parts from New York and other British plantations. But it was required by law that all fustick or other dyeing(1) wood of the growth, production or manufacture "of any British

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(1) Printed in the text (39) as "drying."

Plantation in America" should be brought directly to Great Britain and landed there. Was Campeachy to be esteemed a Plantation belonging to the Crown of Great Britain or no ? (39). The Board of Trade could not say, and could only refer (40) the Customs Commissioners to the report on the subject of the settlements of the logwood cutters prepared in 1717 (*Cal. St. Pap., Col.* 1717-18, no. 104, pp. 38–45). There the whole history of the question was summarised, but no clear answer to the Customers' question was afforded. The House of Commons, too, was making requests for information on the subject (617), but again the Board could do nothing more than forward the report of 1717. (*Journal*, 1728–34, p. 13).

The Moskito Coast.

The logwood cutters not only gathered in the remotest parts of the Bay of Campeachy; they also carried on their trade in the forests and swamps along the rivers in the east of the Peninsula of Yucatan, where the settlements of Belize now lie. Further south too they were to be found around Cape Gracias à Dios and the neighbouring coasts and there they were in intimate touch with the Moskito Indians, who were bitter enemies of the Spaniards. "His Musketish Majesty" wrote to Governor Hunter of Jamaica in October 1729 to congratulate him on his appointment and to offer to continue the good understanding that had always subsisted between the subjects of H.M. of Great Britain and the inhabitants of the Moskito kingdom. The coast had been disturbed by a rebellion arising after the death of the King of the Moskitos and the Governor and the possessions of the white people had been attacked. King Peter therefore asked for Commissions under the Great Seal of the Island of Jamaica for one John Bellamy, whom he thought a proper person to assist him in the office of Governor of the Southern parts of his Dominions, and for Charles Holby to be General of his forces and overseer of the Northern parts (952 i). Governor Hunter forwarded the letter to the Secretary of the Board of Trade, and stated that he had sent the commissions in the usual form to keep "his Musketish Majesty" in good humour, but as these matters in the Bay of Honduras clearly involved our relations with Spain, he could not do more than give some private hints to Mr. Delafaye as to the state of affairs in that region. (952).

Newfoundland and the fisheries.

The affairs of Newfoundland and Placentia demanded a good deal of attention, and the usual heads of enquiry were sent out to the naval commanders in the fisheries and their detailed answers were received (686–7, 697, 939, 940, etc.). Lord Vere Beauclerk and Captain Osborn were in charge of the ships off the Newfoundland coast and Captain Weller at the Canso fishery. Their replies were of more interest than usual because the commodores were engaged in the task of setting up justices of the peace and other authorities to exercise control during the winter when there were no naval commanders in charge. It is impracticable here to do more than draw attention to the letters where the whole business is set forth at length, but it is of considerable importance in the history of Newfoundland, because it marks the turning point at which the existence of a permanent British community in the island was officially recognised by the Privy Council (666).

Enquiries were made of the Mayors of Bristol, Dartmouth, Barnstaple, Bideford, Poole, Exeter, Plymouth, Weymouth and Liverpool as to the measures the fishing merchants of those ports thought necessary for the further encouragement of the fisheries (461) and reference to the pages of the *Journal* will show what a large share of the attention of the Board of Trade was directed to the matter. Barnstaple (487) and Poole (595) replied without delay, and the Board entered into discussion with them on the points they raised (*e.g.* 721). The misbehaviour of Lieutenant-Governor Gledhill at Placentia was one of the most serious causes of complaint, and he was at last formally removed from his place and called home to answer for his conduct (725). The whole question of Placentia and its government under Nova Scotia was closely bound up with the affairs of that colony, and the whole of the fishery both in Newfoundland and Nova Scotian waters should be considered as a single problem to gain a clear view of the policy that was being pursued in this matter, which was regarded as of such great importance for the trade of the Kingdom.

COLONIAL PAPERS.

1728.

[? Jan.] **1.** Considerations upon the importation of negroes into Jamaica, in reply to the Planters residing in Great Britain, who are endeavouring that Governor Hunter may not be instructed not to pass any Act imposing duties on negroes imported or exported. *Abstract:*—Such duties would lessen the importation of negroes into Jamaica, and therefore lessen the produce of the island. The necessity of the island does not require such a duty, for the very same persons have assured Governor Hunter and others that the estimate of the revenue annexed to the bills transmitted from Jamaica will answer the whole expense of the Government, exclusive of the additional pay to the two Independent Companies *etc.* A tax on negroes in the island would be more equitable and advantageous, if more money is needed *etc.* *Without signature or endorsement.* 3½ *pp.* [*C.O.* 137, 53. *ff.* 22-23*v.*]

[Jan. ?] **2.** Duke of Montagu to [?the Duke of Newcastle.] As I know I may allwaise depend on your friendship I beg you will shew it me in the afaire which the enclosed copy of a petition I intend to present to the King (*v. C.S.P.* 1728. *Jan.* 23) will informe you of, and which I beg you will read with atention, and for that reason I have taken the liberty to send it you into the countery thinking you woud have more leasure from busines there then in town ; I shall refer the whole matter to the petition except one thing wch I must explaine to you ; When the news caime that the French had obliged my Collony to abandon St. Lucia, and that I was solisiting about that afaire, Ld. Townshend proposed to me to speake to Mr. Poins, about a pretention sume relations of his, the two Mr. Manlys of the Custome House, one Mr. Code, Mr. Knight, and sume others have to the Island of Tabago, and that if I coud agree matters with them I migte have that island to settle, but I was then still in hopes of getting Sta. Lucia againe, and declined doeing any thing in relation to Tabago. Sence that you know the transactions between Mr. D'Estree and me about St. Lucia, which the King and all of ye aprovd of and were so kind to give Mr. Walpole instructions about ; But now I am convinced Mr. d'Estree tryfles with me, so that I have quite given over the thoughts of that afaire; but as I have still a great many cannon and other stores in the West Indies which I can never dispose of but by a new setlement, I have agreed with Mr. Manly, Code, Knight etc. the parties concernd in the pretensions on Tobago, and if I can get a grant of the island they and I together will undertake to settle it; now what I desire I think cannot be refus'd me, I onely desire to have one island given me to settle insted of two islands which are myne, and which the King and all of you are willing I shoud settle, if it coud be braught about, *etc.* *Continues*:—May be it may be objected *etc.*, that Mr. Worsley has instructions to settle it, to which I answer, that he had those instructions att the tyme Ld. Townshend offerd me the island; and as to the settling the island, the giving him those instructions shews the Government thaught it proper the island shoud be settled, but as yet he has done nothing towards it, and I can demonstrate he never can; may be I may be allso told, I am in the wrong as to my selfe, to have a minde againe to undertake such an afaire, but that is my busines, and if I am in the wrong so much the worse for me; In short this is the onely thing I have asked sence the King came to the Throne, and I think it a sort of a thing, that I must think my selfe very hardly used if it is refus'd me, but I entierly relye upon you to be my frend in it, and I know you will do your best for me. And this favour I beg that I may not be kept in insertaintis about it, but that if I must not have it I may be told so at once. But if I am to have it, I beg, as the Board of Trade have allredy represented to the King, that the settling Tobago woud be very benefistial, that I may not be refer'd to them, which woud be quite onnesesary and woud take up a great of tyme, and give me a great deale of onnesesary trouble, but that the afaire may be referd directly to the Atourney Generall, he passed my Sta. Lucia patent, and he may copy it over againe word for word for this, for it needs onely putting in the name of one Island insted of an other. I beg you will consider the petition well, I will mentaine every article in it to be true. I intend to send Ld. Townshend and Sir Robert copys of the petition to-morrow. I depend upon you to be my frend and advocate, and I intend to waite on you Wednesday morning to know my fate, for I hope by that tyme you will have settled it with your brother Ministers, and not only till then but for ever, I am and shall be your obedient servant, *Signed*, Montagu. *Without date or endorsement. Holograph.* 5 *pp.* *Enclosed*, (*conjecturally*),

2. i. Petition of the Duke of Montagu to the King. *Copy of C.S.P.* Jan. 23, 1728. *q.v.*, with quotations from Instructions of Governors of Barbados, 1721 and 1722. 5 *pp.*

2. ii. Memorandum relating to the following.

2. iii. Extract of Representation of Board of Trade, 15th Feb., 1721, as to inserting the island of Tobago in the Commission of the Governor of Barbados. *v. C.S.P.* 1721.

2. iv. Extract of Representation of Board of Trade 2nd June, 1709, relating to British title to Tobago. *v. C.S.P. under that date.*

2. v. Memorandum relating to Tobago. Tobago, not being setled, is upon the same foot as all other islands belonging to the Crown in America, which the Governors have a power to grant out, derived from their Instructions, not from the Treasury. The Governor of Barbados could therefore grant Tobago to the Duke of Montagu without such a grant passing the Treasury *etc. No date or endorsement.* $1\frac{2}{3}$ *pp.* [*C.O.* 285, 2. *Nos.* 4, 4, i-v.]

Jan. 1. Whitehall. **3.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint the Rt. Honble. the Earl of Londonderry to be Governor of the Leeward Islands in America, in the room of John Hart, Esq., *you are to prepare* draughts of his Commission and Instructions *etc. Signed,* Holles Newcastle. *Endorsed,* Recd. Read 2nd Jan., $172\frac{7}{8}$. $\frac{3}{4}$ *p.* [*C.O.* 152, 16. *ff.* 54, 55v.]

Jan. 4. New York in America. **4.** Mr. Bradley to the Duke of Newcastle. An Act passed here in Nov. last *for preventing prosecutions by informations* other than such as the Governor shall order in Council; which being a manifest infringemt. on H.M. prerogative, was very much against the inclination of the Govr. and Council; who, notwithstanding, were oblig'd at last, to consent to it, or loose the money bill relateing to Oswego, wch. passed at the same time; for some members of the Assembly, and several of their friends, being affected by prosecutions of this kind, wch. were order'd by the Supream Court, for crimes of no trivial or inferiour nature; the leading men in the Assembly were determined not to consent to that money bill, unless this Act passed; having, as it is generally believed, form'd a designe, not only to screen themselves and friends by this law, from these and all other prosecutions of this sort, tho' never so just or necessary (wch. seem to be almost the only means H.M. has to check that levelling spirit that too plainly appears among the generallity of the people of these countrys) but also to break in upon, and weaken H.M. Prerogative and interest here, by attempting to take away that remedy, wch. the Common Law gives H.M. of prosecuting by information, without the leave of any of H.M. subjects *etc.*, and to make all the officers of the Crown entirely dependant on the Assembly; who, by having the sole power of granting money, are able thus to influence even the

Govr. and Council to consent to such bills, which they would otherwise reject. *Prays* his Grace to recommend the Lds. of Trade the speedy consideration of enclosed memorial against this Act; the Assembly having limited it to three years only, with such politick view as in the memorial is mentioned. *Signed*, Richd. Bradley. 2 *pp.* *Enclosed*,

4. i. Memorial by *Same* to the Council of Trade and Plantations against the above-mentioned Act of New York. *Repeats* parts of preceding and following. The Assembly rejected the amendments by which the Council thought they would prevent the ill tendency of the bill exposed by the Memorial. *v. No.* ii. In many cases prosecutions may be necessary where they may be very inconvenient for the Governor and Council to order, as where they may affect leading men of the Assembly or their friends *etc.* Prosecutions by informations seem to be the only means H.M. has to ascertaine his just rights to fines for misdemeanours, where a jury will not present, wch. has often been the case in this country, tho' the evidence has been as full and strong as could be wish'd for *etc.* The limiting of this Act to three years, seems also to be done with a designe, to get it the more readily confirmed, or at least that it may escape being repealed at home, it having been a common practice, as I am inform'd, for the Assembly's here, when they had a mind to obtaine laws agt. the inclination of this Government, to limit them to some short time, dureing which they stand in force if they are not repeal'd, and so answer their designe as well as if they had been confirm'd; and upon their expiration to use them as precedents for laws of the same nature, of a longer duration. *Gives instances* to show that the prosecutions by informations have not been on trivial matters. Two have been for intrusions on H.M. lands; another was brought by order of the Supreme Court against the Justices of Albany for the insufficiency of their gaol, and the like against the Corporation of the City of New York *etc.*, and two others against an Assembly man and several Justices for administering to several assessors of the publick rates an oath of the said Justices' own devising, very different from the form they were by law required to administer; with an intent, as many of the freeholders there complain to ease the sd. Justices and their friends, and lay the burthen on others. Another was brought by order of the Government for a notorious riot, if not rebellion, found by an inquisition taken thereof *etc.* These were the prosecutions the Assembly were offended at,

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because they affected some of them, and their friends, and others being still liable for prosecutions for offences far from trivial *etc.* *Concludes:* As I cannot get any salary allow'd me, nor my fees, or any recompense for my time and labour, so necessarily employed in these, and many other prosecutions of the Government and Courts ordering, against forgers of the bills of credit and many other felons, for all wch. above £800 is due to me of wch. I cannot get one penny *etc.*, *asks to* be allowed £150 pr. annum from home, as his predecessors were. *Signed,* Richd. Bradley. New York, 4th Jan., 1727. 4 *pp.*

4. ii. Memorial by the Attorney General of New York to the Governor and Council, 14th Nov., 1727. *Reports* against the bill *for preventing prosecutions by informations,* submitted to him, as contrary to the Common Law and H.M. Prerogative. The preamble misrepresents matters of fact in stating that such prosecutions have been for trivial matters. Instances given. It would be most unjust to quash informations without first paying the Attorney General the costs already due on such prosecutions. The second enacting clause that the Attorney General shall not prosecute for any misdemeanour by information without an order from the Governor signed in Council is directly repugnant to the Common Law. The King cannot be obliged to ask the leave of any of his subjects whether he shall prosecute, or how or where, *etc.* *Signed,* R. Bradley. *Copy.* 2½ *pp.* [*C.O.* 5, 1092. *Nos.* 64, 64 i, 58.]

Jan. 4.
New York
in America.

5. Mr. Bradley to Mr. Popple. *Encloses* above memorial to be laid before the Board *etc.* *Continues:*—I hope their Ldps. will be pleased to observe that tho' the Assembly should not obtaine the Royal assent to the Act agt. informations; yet if it be not rejected, it will answer their intent full well; the Act being but for three years; and I doubt not but their Ldps. will from their former experience of the Assembly's of this country and the present disposition they seem to be in; plainly perceive that they aim at [? *no les*]*s* than being independent on the Kingdome of Great Britaine as fast as they can; which too evidently appears by most of their schemes and actions that relate to the Publick; and therefore seems to me, to require the greater zeal and courage in a Govr. to obviate, altho' it should not happen to consist with his own private interest; which, from what I have hitherto observed, seems to have been almost the only thing intended; let the

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consequence be what it will as to anything else *etc.* *Signed,* Richd. Bradley. *Endorsed,* Recd. 27th Feb., Read 1st May, 1728. 1½ *pp.* *Edge torn.* *Enclosed,*

5. i, ii. Duplicates of Encl. Nos. i, ii. *preceding.*

5. iii. Duplicate of Dec. 21, 1727. Encl. iii Minutes. [*C.O.* 5, 1054. *ff.* 258, 258*v.*, 259*v.*, 263-274*v.*]

Jan. 4. Barbados. **6.** Majority of Assembly of Barbados to the Council of Trade and Plantations. *Enclose* their petition to the King. *Continue:* Wee should not have thus abruptly addressed your Lordshipps, but the Island is now without any Agents, and your Lordshipps' vigilance and zeale to protect and promote the interest of all H.M. Colonyes so well known that wee flatter ourselves your Lordshipps will have the goodness to pardon our presumption, and make such a representation of our condition to H.M. as our moveing circumstances stand in need of. It will probably seem very strange to your Lordshipps that a Colony, which has now for five years been seemingly so well satisfied with a Governour, should now complain of grievances of the nature set forth in our petition; But the truth is wee were tired out with contentions, and willing to suffer a great deal rather than be troublesome, till at length wee have the mortification to see our country brought to the very brink of ruin. Our fortifications, platforms and breast-works are now so ruinous that £100,000 will not put them in the condition they were formerly in; But if they were in order, wee have no ammunition to defend them, so that in case of an attack, wee must surrender to any invader. Our magazine has generally had in it from 800 to 1000 barrels of good powder; But now there are not above 87; and of those, about 40 have lately, upon the occasion of our attempt to enquire into the condition of the Magazine, been bought by H.E.'s Secretary from the Deputy Provost Marshall in a clandestine manner at 50*s.* by the barrell (being the refuge of a pyratical cargo sold here), H.E. having made a personal contract with the late store-keeper for his Secretary to farm his office at £300 current money per annum rent. This deficiency must have been occasioned by the Secretary accepting money instead of powder contrary to the law, or selling it *etc.* Our Governor, with apparent intent to prevent our inquiring into and representing this and several other grievances, has adjourned and prorogued the Assembly from time to time, and wee have no prospect of being suffered to sitt any more on business *etc.* Wee therefore pray your Lordshipps to pardon our directing some Gentlemen in London to attend your Lordshipps on this occasion. Wee have omitted in our petition the particulars of H.E.'s partial proceedings in the Court of Chancery; instances whereof are but too many to be therein inserted, and the rather, because the parties injured are ready, on any enquiry, to exhibit articles against him touching his arbitrary granting and refusing injunctions, occasional and suddain adjournments of the Court, and his even ordering bills to be taken off the files without the concurrence or assent of the Council, but on the contrary refusing to take their opinion touching the same *etc.* Wee are not insensible but that endeavours have lately been industriously used among us here to procure an Address in December last from the late Grand Jury returned out of three parishes only and pickt to represent our Island as the happiest of H.M. West Indian Colony's under the present administration; and wee shall not trouble your Lordshipps with a repetition of the usual methods taken to procure such in the Plantations, nor of the common practices, by which impositions of this nature have sometimes been successfull: But my Lords, If wee, in conjunction with the rest of our fellow-members, the Representatives of the People, who were present when lately wee addressed H.E. on the occasion he then afforded us (*v. Minutes*), may be presumed to know our own and the People's circumstances better than persons meanly cull'd out to obtrude on strangers to the affairs and condition of this Island such fulsome performances for truths in favour of our Governour and his Judge, an active Agent on that and other his occasions, *etc.* *Signed,* Hen. Peers, Edmund Sutton, Thos. Maycock, jun., Tho. Spencer, Robt. Yeamans, W. Gibbons, James Bruce, Edward Brace, Saml. Maynard, Jn. Cobham, Jno. Bignall, Gel. McMahon, John Walcott, J. Fercharson. *Endorsed,* Recd. 24th, Read 27th Feb., 172$\frac{7}{8}$. *Addressed.* 3 *pp.* *Enclosed,*

6. i. Petition of the Majority of the Assembly of Barbados to the King. Jan. 4, 1727(8). Petitioners in their legislative capacity lately had the pleasing satisfaction of expressing their firm loyalty *etc.* in their Address of congratulation *etc.* They cannot now without the utmost regret and deepest sorrow find themselves in their private capacity under the necessity of approaching the same august Presence with complaints against H.E. Henry Worsley *etc.*, but the impending ruin of this Colony, which can only be prevented by your Majesty's speedy interposition, constrains them *etc.* In 1722, when the Governour took the administration upon him and for many years before the Gentlemen of this Island having been harrast with partys and divisions, in hopes to put an end to the same, and to obtain the redress of several grievances, were wrought upon to submitt to a settlement of £6000 sterl. per annum on him *etc.*, a settlement so very extravagant and so much more than what the country could afford that the inhabitants could never have long supported themselves under the same, but which howsoever they chearfully submitted to for several years. And

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yet notwithstanding the Island has been so farr from reaping any advantage from their said indiscreet generosity that the publick good has been intirely neglected; and no measures taken to redress the greivances of the Island, But His Excellency and his creatures have thereby been the better enabled and the more at leisure to oppress the inhabitants. The Militia has been totally neglected, the forts, breast-works and batterys are gone to ruin, the publick stores are imbezled and wasted, and all persons in office under H.E. bussied in nothing but how to raise fortunes from the ruins of the people by inventing new fees and perquisites, and increasing the former fees and emoluments of their several offices *etc.* The Freeholders, rowssed at last with a just sense of their danger, did on the election of the present Assembly in July make choice of petitioners and others to enquire into and procure redress of some of their most crying grievances, which when the Assembly were sitting about, with all the calmness and moderation imaginable and with due deference and regard to his Excellency, he sought all occasions to exasperate, maletreat, insult and abuse the Assembly, who however resolved to overlook all indignitys for the good of their country, and the said Governor finding that he could not provoke the Assembly to return the ill treatment they mett with from him did on 5th Oct., command them to adjourn for four weeks and though upon the application of the Assembly (who humbly represented to him that several bills and other affairs of great consequence were then depending before the House, and therefore prayed the adjournment might not be for so long a time) he was pleased to shorten the adjournment by the space of two days only, yet before the time of their meeting came he prorogued them to the 9th Dec. and from thence to 20th Feb. (to which time they now stand prorogued) in order thereby to prevent any inquiry into or representation of his male-administration untill he may procure the renewall of his Commission *etc.* The greivances the Island now labours under and the male administration of the Governour will appear from many instances, particularly, (i) He has never reviewed the Militia or any of the forts or fortifications (Needham's Fort only excepted, which is scituated a short mile from his house) and has suffered several of the Regiments to be without officers ever since his arrivall, and on the common exercising days such of the Militia as do meet have not been exercised for years together, although lists have been called and fines exacted from those who did not send their full complement of men to exercise, if they were such as had the misfortune to be under the Governour's or officers' displeasure. (ii) He has permitted the powder to be imbezled and wasted and money to be accepted in lieu thereof, so that instead of 800 barrells, which was wont to be the usual quantity in the Grand Magazine, there are now no more than 87, and that which makes this charge the more heinous and heavy is, that the custody of the magazine has been notoriously these four year past in the hands of one of H.E.'s domesticks, William Webster, Deputy Publick Secretary *etc.*, and also H.E.'s Secretary and Principall agent, on whom he has moreover bestowed the following places, Major of the Guards, Master in Chancery, Captain and Chief Gunner of the Principall fortifications, Surveyor General and Captain of the Magazine Guarde *etc.* The offices of Storekeeper and publick Secretary are incompatible to be held by the same person *etc.*, the Secretary being the only cheque and Comptroller of the Storekeeper. In case of warr there is no possibility of purchasing in this or other your Majesty's West India Colonys powder sufficient for the defence. (iii) The Governour has encouraged and countenanced several of the Officers of the Island, and particularly the Deputy Secretary and Deputy Provost Marshall in taking exorbitant and illegal fees to the great oppressing and impoverishing of the inhabitants, who have hitherto complained thereof in vain. These grievances are the more unsupportable from the dismall apprehensions we must lye under in case of a warr, the forts and other fortifications having gone to ruin, the breastworks and batterys being broken down, the great guns dismounted and without carriages, warlike stores of all kinds being wholly wanted, and the inhabitants unable to bear the necessary charge of buying powder and repairing the fortifications unless timely relieved by your Majesty *etc.* *Signed,* Hen. Peers, Thos. Maycock, junr., Tho. Spencer, Rt. Yeamans, W. Gibbons, James Bruce, Gel. McMahon, Saml. Maynard, Jno. Cobham, Edward Brace, Jno. Bignall, John Walcott, J. Fercharson. 1 *large* folded *p.* [*C.O.* 28, 19. *ff.* 97-98*v.*, 101, 101*v.*; *and* (*duplicate of enclosure*) 28, 39. *No.* 42.]

Jan. 4.
Whitehall.

7. Council of Trade and Plantations to the Lords Commissioners of the Treasury. By our letters of 22nd Feb. and 31st May last we acquainted your Lordships that one of the partition walls of our Office was in a very ruinous condition. This wall is now grown so much worse, and the cracks so much wider, that we think it is in immediate danger of falling *etc.* *Request* that it may be rebuilt. [*C.O.* 389, 37. *pp.* 284, 285.]

Jan. 9.
New York
in America.

8. Mr. Bradley to the Duke of Newcastle. Asks to be appointed to vacancy in the Council of New York caused by the death of Mr. Barbaric. *Signed,* Richd. Bradley. *Endorsed,* R. 28th Feb. 1 *p.* [*C.O.* 5, 1092. *No.* 65.]

Jan. 9.
Whitehall.

9. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Excise Act, of the Massachusetts Bay, 1726, and a printed collection of 16 Acts of the same, 1727. [*C.O.* 5, 916. *pp.* 55-58.]

Jan. 9.
Whitehall.

10. *Same* to *Same.* Encloses, for his opinion in point of law, Act of Nevis, 1727, *for raising a poll-tax on negroes and other slaves etc.* [*C.O.* 153, 14. *pp.* 275, 276.]

Jan. 9.
Whitehall.

11. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

11. i. *Same* to the King. Submit following.

11. ii. Draught of Commission for Thomas Earl of Londonderry to be Governor of the Leeward Islands, and revoking that of John Hart. [*C.O.* 153, 14. *pp.* 275-306.]

Jan. 9.

12. Mr. Fane to the Council of Trade and Plantations. Report upon Act of St. Kitts *against covenous and fraudulent conveyances and for a publick Registry. Considers* it "a wise and prudent law calculated for the general benefit of the Island" *etc.*, but *agrees with* Mr. Smith's objections as to the damage it would inflict upon the Secretary's office (*v.* 6th Oct., 1727.) Proposes therefore that, since this law is of such consequence to the property of the island, that the Legislature there be recommended to compensate him for the loss he would sustain by it *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd 9th, Read 10th Jan., 172$\frac{7}{8}$. $2\frac{1}{2}$ *pp.* [*C.O.* 152, 16. *ff.* 120-121.]

Jan. 9.
Marlboro'
Street.

13. Col. Hart, late Govr., to Mr. Popple. Proposes to attend the Board when the Register Act of St. Kitts is considered. *Signed,* Jo. Hart. *Endorsed,* Recd. 9th, Read 10th Jan., 172$\frac{7}{8}$. 1 *p.* [*C.O.* 152, 16. *ff.* 122, 123*v.*]

Jan. 10.
St. James's.

14. Copy of Commission of Governor the Earl of Londonderry. [*C.O.* 5, 194. *ff.* 5-27.]

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Jan. 10.
St. James's.

15. Order of King in Council. Approving draft of Commission for Governor the Earl of Londonderry. *Signed,* Robert Hales. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 336, 337*v.*]

Jan. 10.
St. James's.

16. Order of King in Council. Approving draft of Commission for Governor the Earl of Londonderry. *Signed,* Robert Hales. 1½ *pp.* [*C.O.* 5, 194. *ff.* 1, 1*v.*]

Jan. 11.

17. Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of St. Kitts submitted 14th Sept., 1727, *to subject all produce etc. of the late French part exported, to the* 4½ *p.c. duties etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 17th Jan., 172⅞, Read 5th June, 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 67, 68*v.*]

Jan. 11.

18. Mr. Dunbar to the Council of Trade and Plantations. Observations upon the office of Surveyor of H.M. Woods in America and the survey and intended partition and settlement of Nova Scotia. *Abstract.* He needs deputies and a guard against hostile Indians. To obviate disagreements with the Surveyor of lands, proposes that the two offices be combined in one person. As fellers of trees are scarce and their wages excessive, some supernumerary carpenters should be sent out from the King's yards and saw-mills erected *etc.* *Signed,* David Dunbar. *Endorsed,* Recd., Read 23rd Jan., 172⅞. *Holograph.* 2 *pp.* [*C.O.* 323, 8. *No.* 82.]

Jan. 11.
Mincing Lane.

19. Mr. Humphrey Morice to the Council of Trade and Plantations. Testifies to the integrity of Mr. Willett *etc.* (*v.* Oct. 22, 1727) *Signed,* Hum. Morice. *Endorsed,* Recd. 11th, Read 26th Jan., 172⅞. 1 *p.* [*C.O.* 152, 16. *ff.* 124, 125*v.*]

Jan. 13.
Barbados.

20. Governor Worsley to the Duke of Newcastle. *Refers to* letter of 21st Nov. last. *Continues:* On 7th Dec. I prorogued *the Assembly* to 20th Feb., during these prorogations the people have been more quiet than of late, saving the choice of a Vestry for the parish of St. Michael, where there was a very great struggle in order to fling out Judge Pilgrim, a gentleman of great honour, and probity, and entirely attached to H.M. person and government. This gentleman was a Member of the last Assembly when they first attempted to bring in the self-denying bill, which he very vigorously opposed, and prevented the passing it in that Assembly, for which reason the factious party were resolved to hinder him from being chosen a Member of the present Assembly, and in order thereto, sat up Collo. Peers, son in law to the late President Cox, and one of the richest men in the Island, to oppose him; As Judge Pilgrim has always given such publick demonstrations of his great zeal for H.M. service, I should think myself deficient in my duty if I did not particularly recommend him as a person every way qualified to be a Member of H.M. Council here *etc.* *Signed*, Henry Worsley. *Endorsed*, Rd. March 8th. 3 *pp.* [*C.O.* 28, 44. *No.* 118.]

Jan. 13. Barbados. **21.** *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Henry Worsley. *Endorsed* Recd., Read 8th March, $172\frac{7}{8}$. 2 *pp.* [*C.O.* 28, 19. *ff.* 172, 172*v.*, 173*v.*]

Jan. 18. Whitehall. **22.** Order of Committee of Privy Council. Referring to Attorney and Solicitor General for their opinion the Act of Antigua for *constituting a court to hold plea of foreign attachments etc.* and the representation thereupon (*v.* 14th Dec. 1727). *Signed*, Robert Hales. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 330, 331*v.*]

Jan. 18. Whitehall. **23.** Order of Committee of Privy Council. Referring to Attorney and Solicitor General Act of Antigua *for securing title of George Thomas etc.*, with representation thereupon, (*v.* 17th Nov., 1727). for their opinion. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 152, 16. *ff.* 334, 335*v.*]

Jan. 20. St. Christophers. **24.** Lt. General Mathew to the Council of Trade and Plantations. Is sending to Mr. Beak three Acts of St. Kitts, which he hopes will obtain their approbation *etc.* (i) *For regulating vestries and erecting into parishes those parts of this Island formerly belonging to the French, and for annexing other parts of the said French lands to the parishes etc., and for repealing former Acts for regulating other vestries and for ascertaining the bounds of every respective parish.* (ii) *To enable the several parts of this island formerly belonging to the French to choose and send representatives to serve in the Assembly, to declare and ascertain the number of representatives for the whole island, what number each parish shall elect, and the several qualifications of the electors and candidates, to secure the freedom of elections, and repealing an Act of* 1711 *for preserving the freedom of elections etc.* (iii) *Repealing an Act for settling* £2000 *upon Governor Hart etc.* *Continues :* The first became necessary not only for the reasons given in the preamble, but for laying a foundation whereon to build the second, than which nothing was more wanted to settle and quiet the propertys of the inhabitants of this island, which have been terribly bandyd about, and precarious even to pity, from the small number of the Representatives in former Assemblys. Twelve was the former number, of these seven were a House, and of these four were a majority and four by bad experience have been found for some years past to govern the whole, The supineness of some, depending circumstances

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of others, under daily threats of persecution in courts of law, where partiality, tyranny and injustice with strange methods of oppression were dayly us'd, these helped to give the four that power they vexatiously us'd to suck out the very hearts blood of the poor inhabitants of this island. But now, my Lords, those days we hope are over, and your Lordships recommending these two laws to be presented to H.M. for his assent, will be blessing this island with freedom and safety to their propertys. I shall not urge examples to convince your Lordships of the truth of my observations, as they are now provided against for the future, unless your Lordships order me so to do, nor mention the sturdy struggles I have had to get these provisions made for the public good, the oppositions almost equal to insults I met with, from those whose tyranny was thus to be overcome, or who abated and favour'd thro' fear or dependance these cruel men, and I am sorry to say that at the very Council Board they were able to influence the debates there. What happn'd in the Assembly I am no other wise inform'd of, than by the Minutes, and which that House have desir'd me by an Address (which I enclose) to lay before your Lordships, and for that purpose I transmitt them to Mr. Beake. When your Lordships examine these two laws, and find them free from the least private view, but wholly providing for a publick good, you would be at a loss, whence any opposition to them could have arisen, had I not thus candidly and impartially laid the truth before you. I was, I own, resolved to carry them if possible, and I have been detain'd, hitherto on this island, chiefly to compass them. I recommended the second to this Island twelve years ago, but could never till now obtain it: As a Commissioner for H.M. sale of lands I joind with the other Commissioners in informing their Lordships of the Treary. how much it concernd H.M. service, that those we sold to, should be equally concernd, with the rest of the island in the Legislature, and their Lordships were pleased to signify to us by Mr. Scrope, 4th Nov., 1726, that we should prepare and procure the passing such laws, *etc.* And, my Lords, that no one symptom might be to encourage jealousys, or countenance the many strange reports put about of private views of my own, and intentions of advantage to myself, as soon as these three laws were passed, I dissolv'd the present Assembly, and am issuing writts to call a new one, that a law I have had so much at heart for the islands good, the island may have an immediate advantage of. The third law is occasiond from Governour Hart's verbal resignation as mentiond in the preamble. It met with but one objection, and that was in Council, were it was suppos'd he might possibly return as Governour, but that was dropp'd on a recollection that H.E. himself had declard at that Board, just afore his departure, that the summe was exorbitant, and a burthen the Island was not able to bear. I pray leave to make a further remark on H.M. Commission to His Chief Governour here, and which I omitted 1st Dec. The provision in case of the Captain General and Lt. General's death or absence is that the chief Government should devolve to the Lt. Governour of Nevis, or at his death to the eldest Councellor and Council of that Island. I humbly submitt to your Lordships whether that provision was not first made when Nevis was the first seat of trade in these parts, from St. Christophers being often ruind by French invasions, in peace but half of it belonging to the Crown of Great Brittain, Antego hardly settled or cleard out of woods, and Montserat (at best) inferior to it. But now and for years past the chief trade of the Leeward Islands is at Antego, next and very near to it at St. Christophers, Nevis has quite losst it's trade, and is a desert island to what it was thirty years ago. If the reason that gave the preference to Nevis were still to prevail, the Lt. Governour of Antego, would command next to the Lt. General, and next to the Lt. Governour of Antego the Lt. Governour of St. Christophers. But, my Lords, as matters now are, Mr. Sybourg will hardly come to Nevis and here is now stated a case. In case of my death the first Counsellor of Nevis, assisted by the Council there will command the Lt. Governours of Antego and Montserat, does not H.M. place his Lt. Governours at the head of His Councils, must two, it may be three of them, be under the command of a Gentlemen without Commission, only a nomination to a seat at ye Council Board? At a General Council and Assembly that Gentleman would have place at the Council Board but from the date of his mandamus, and might still sitt below older Councellors of another island, whose very Lt. Govr. as the Commission now is, he might happen the next day to command. I submitt it to your Lordships whether it would not be more reasonable that in case of the Chief Governour's or Lt. General's death or absence the eldest Lt. Governour remaining, should command in chief, if the preference to Antego and next to St. Christophers be disapprovd, least it happen that a younger Lt. Governour may become commander of an elder. In the Islands Anguilla, Spanish Town and Tortola there are many good subjects, some not quite so good. At the ceremony of proclaiming H.M. there was some misbehaviour at Anguilla, I did not care to mention to your Lordships at that time, but now I do to recommend partly what I humbly offer to your Lordships as to those islands. Governour Hart chose Col. Phipps, who is first of the Council of this Island, a Gentlemen of great good nature, integrity and worth and gave him, as he was most acceptable to the people there, and best known among them, a Commission as Governour of these and all the Virgin Islands, and he out of honour to it, usd to go once or twice a year at his own expense among them, (for 'tis not worth half a crown a year) and by his presence and caracter, he usd to bring matters into some temper. There's indeed a particular Lt. Governour to each of them, but if his cudgell happen to be a whit less than a sturdy subject's, Good night Governour. Some how Col. Phipps displeased General Hart, and he was removd and his place supplyed by one Woodrope of this Island. His caracter is well known by every one that ever was this way, and I shall not trouble your Lordships with it, otherwise than to tell your Lordships, that to free those people from a Bassa, I restord Col. Phipps. In these islands there are continual contentions about their meum and tuum, poor as tis, I would therefore offer that some sort of a judicature be settled among them, at present the strongest has the best title. And this must be some sort of a Court, where every man may be heard to tell his own story. The Gentlemen of the Barr will not attend, they cannot pay them, a retaining fee at the standard of three or four years last past, would empty the pockets of a whole Island. Jurys too will be hardly found among such small numbers. The amount on the most populous of these Islands hardly reaches 200 familys. They deserve however some remedy against wrongs. Your Lordships wisdom can best say how. In criminal cases Justice and a method of it is as much wanted. Innocent blood is sometime shedd, and no atonement made. Such a misfortune hapnd some time ago, the criminal brought to St. Christophers, tryd and condemnd, broke gaol, is now at noonday amongst these Islands, and no remedy, for after all, Governour Hart was advis'd from home, his tryal at St. Christophers was illegal. I pray your Lordships a farther indulgence *etc.* Upon the death or absence of a Captain General, no provision is made to keep his Commission as Vice-Admiral in force here, in the person on whom the Chief Government devolves. How necessary it be it should be otherwise, your Lordships best know. The Commission of Capt. General provides, that does not. This hapned to be in point t'other day. Mr. Smith, Secretary of these Islands, sends me your Lordships report on his case, and His Grace of Newcastle's order to strengthen it. And thereon requird me to recall a Commission given by Governour Hart at Antego to a Register of the Admiralty, intimating at the same time Mr. Hart's disobedience in not doing it before ; by way of advice, and what must follow *etc.* But here Mr. Smith and I differd a little in our construction of our mother tongue. He understands your Lops. are of opinion evry one commission'd for any branch he claims, he is immediately to be turnd out and he let in, and then the persons may get him out again by law, if they can, but I humbly conceive your Lordships did not mean such a remedy at law for person who could claim none after his Commission was recalld, but that your Lordships intended Mr Smith should continue possessd of evry branch he held at any time by his patent, or any Commission from Governor Hart and for the rest that your

Lordships referrd him to his remedy at law on the validity of his patent, against any one that usurpd any his right. I mentiond this to him, but to no purpose. Mr. Smith and I are on terms of friendship, but he was growing angry, when this discovery, that I was not Vice-Admiral, came to my relcif, but least he should begin any contention with me before your Lordships, I have prayd leave to say so much of the matter. I am this day honourd with your Lordships commands of the 31st Aug., 1727, requiring I should give directions to the proper officers, that all Acts and Minutes both of Council and Assembly should be fairly abstracted in the margins. In my own justification I could enclose a copy of my letters to the Secretary, and so long since as September. By what I have transmitted to your Lordships, you will see what that availd. I assure your Lordships I have sent all I have receivd. The Clerk of the Assembly of this Island alone complyd in this article. The Act I sent was abstracted by my own Clerk, as are the three I send now. He should have abstracted all the other papers I sent, had I known your Lordships would absolutely require it. But, my Lords, if the proper Officer does it, he is paid for it. My Clerk has little more than the wages I pay him. I shall signify to the proper officers your Lordships' orders, with all speed. *Refers to* enclosures and papers sent to Mr. Meure. P.S.—22nd Jan. This day H.M.S. *Lark* anchord at Basseterre with H.E. Governor Hunter on board. He did me the honour of dining with me on shore, immediately after Admiral Hopton in H.M. ship *Lyon* anchord in the same road, and accepted my invitation to come ashore. They were receivd with the best compliments I could make them, embarked again in the evening, and are sayld for Jamaica. *Signed*, William Mathew. *Endorsed*, Recd. 23rd March, Read 5th April, 1728. 10 *pp.* *Enclosed*,

24. i. Address of Lt. Governor, Council, Assembly and inhabitants of St. Christophers to the King. Loyal Address upon his succession. 89 *signatures*. *Endorsed*, Recd. (from Mr. Meure) 26th March, Read 5th April, 1728. 1 *large p.*

24. ii. Address of Assembly of St. Christophers to Lt. General Mathew. 19th Dec., 1727. The Assembly have nothing in view but the honour of His most sacred Majestie, the security of the island, and the preservation and establishment of the just rights and priviledges which his Majestie and His royal predecessors have graciously been pleas'd to allow to all His British subjects *etc.* Yet there have been persons, and even within our doors, who (acting upon private and sinister designes) from the very first sitting of this House, have, as much as in them lay obstructed all our proceedings for the publick wellfare and attempted to prevent or imbarrass the passing, even of those laws

your Honour was pleased to recommend, and which they themselves are ashamd to avow a dislike of. To this end they, by a behaviour and indecency of expression very unbecoming the Representatives of a country, endeavoured to intimidate the Members and introduce confusion in our debates, but finding they could not thus divert the House from their attention to the publick good, they then withdrew themselves from their attendance in it, tho' all or most of them allways appear'd in defiance of it, at the place of Sessions, on every meeting *etc.* We have just apprehensions that those restless persons *etc.* will misrepresent our proceedings to H.M. We therefore send your Honour a transcript of our Journals to be layd before H.M. and the Lords Commissioners for Trade for our justification *etc.* *Signed*, Matthew Mills, Speaker. *Endorsed as preceding.* 1 *p.*

24. iii. Address of *Same* to *Same.* 19th Dec., 1727. Offer tribute of thanks and affection for the "happyness and security we owe to your Honour's administration." *Instance* building of gaol and repair of forts, and erection of fortifications on Brimstone Hill, carried out by him with the greatest frugality and accurate accounts, of which every single article was proved to be paid for the publick use. "Under your administration, we first saw our publick credit rise. To put it upon an equal foot with that of private persons, was once thought impracticable *etc.*, yet you rais'd it even higher *etc.*, and it is [*due*] to you alone the publick publick is out of debt *etc.* *Express gratitude* for the laws which he proposed and has passed *etc.* *Signed and endorsed as preceding.* 1¾ *pp.*

24. iv. Journal of Assembly of St. Christophers, 5th Dec., 1727. The Committee of Accounts reported that Lt. General Mathew's accounts for fortifications were just, reasonable and exact. 12th Dec. Accounts passed. *Same endorsement. Copy.* 3¼ *pp.*

24. v. Opinion of Mr. Warner, Attorney General, upon Mr. Smith's demand that Lt. General Mathew should revoke Henry Warner's Commission for Register of the Admiralty in Antego (*v. covering letter*). *Same endorsement. Copy.* 2⅛ *pp.*

24. vi. Lt.-General Mathew's Instructions to the Clerks and Treasurers of the Leeward Islands to abstract minutes in the margins *etc.* Sept. 18, 1727. (*v. covering letter*). *Same endorsement. Copy.* 1½ *pp.*

24. vii. Christenings and Burials in St. Christophers, Michaelmas 1726-1727 (by parishes). *Totals* :—Christenings, 155 ; Burials, 94. *Same endorsement.* 6 *pp.*

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[*C.O.* 152, 16. *ff.* 231, 232, 233, 234, 235, 236, 237, 238, 239, 240-242, 243-244*v.*, 245*v.*-250*v.*, 251*v*, 252, 253, 254, 255, 256, 257, 257*v.*]

Jan. 22.
Boston.

25. Anon to [?] Revd. Sir, We wrote awhile agoe the Duke of Newcastle as also Sir Rot. Walpole the very deplorable state of New England, but fear both our letters are miscarry'd *etc.* We H.M. subjects who went from Ireland to New England in the late insurrection of the Indians suffer'd the loss of all we had, excepting our lives (preserv'd by your garrison) were willing and desirous to return to our plantations and with many others lately arriv'd since petition'd the Genl. Assembly here for unappropriated lands in the Eastward near your Garrison. By our great numbers unanimity and contiguous building we should have been able to defend ourselves agt. the Indians and been a strong frontier to all the Eastern parts, but the Genl. Assembly who love none, yea hate all but those of their own country and profession rejected the petition *p.* 66, par. 1 of the votes whereby we, who before the late war spent all we had and made H.M. land capable of producing flax hemp and other naval stores, are cut off from all hope of returning to our former possessions. Since that they have made an act that no settlements shall be made to the eastward of North Yarmouth, and have withdrawn all the soldiers from the eastern parts whereby not only your garrison is left intirely to the mercy of the Indians page 50 (unless H.M. King George grant you a few souldiers to defend it) but many familys forced to leave their lands and dwellings with H.M. cultivated land to the Indians. We have sent you the Minutes to prove these things and particularly Mr. Menzies being expell'd the House for his fidelity *vide* asterisms.* Your son is turned out of his place under the pretext of exacting upon the Indians in commerce with 'em but they peaceably suffer their own countrymen to trade as they will. We all know 'twas impossible for him to stand agt. the New England antipathy which is very great agt. all presbyterians and Church people. Your daughter's character has been industriously struck at by the people here of New England, they say she was the Duke's whore, who for that reason recommended her brother to our Lieut. Govr. We humbly beg you'l lay all these things before his Grace with your own hand, and the affair of our Lieut. Govr., and the Captn. of the man of war, and we obtest and charge you that you answer such questions as his Grace shall put to you. We appeal to you or Mr. Hamilton for the truth of these things and desire you to send us an answer directed to the Revd. Mr. James McGregore at Nutfield to be communicated for we must not write our names lest our popular Lieut. Govr. cause us to be excommunicated as Mr. McGregore has been allready, only for ordaining a presbyterian Minr. in conjunction with his brethren *etc.* P.S. If the King don't take this country and South Carolina also under his more immediate Government we utterly dispair of seeing this or that a thriving Colony. *Signed,* J. S., A.D., J.M., A.F., S.N., Q.D., wt. 300 more. $\frac{3}{4}$ *p.* [*C.O.* 5, 898. *No.* 43.]

[Jan. 23.] **26.** Petition of the Duke of Montagu to the King. Petitioner's intended settlement of Sta. Lucia having been disappointed by the French *etc.*, *prays for* a grant of Tobago, in lieu of that of Sta. Lucia and St. Vincent, which petitioner offers to resign. (i) The settling of Tobago will very much augment the revenue of the Crown by the importation of the product of the said Island to Great Britain, and as the duties paid on the importation of the sugar product of Barbados only amounts to upwards of £25,000 a year of which £10,000 belongs to the Crown as part of the Civil List revenue, it is more than probable that in less than seven years time the duties on the importation of Tobago would be as much if not more by reason the produce of that Island would be very great, from its being new land without the Crown or Nation's being at the least expence. (ii) The settling of the said Island will encrease the exportation of the product and manufactures of Great Britain for the support of its inhabitants, and of consequence the number of ships and seamen of the Kingdom *etc.* (iii) So much more product will be imported to Great Britain, and consequently there will be so much more to be re-exported to foreign countries, which will also very much encrease the trade navigation and profit of the Kingdom. (iv) The settling of the said Island will be a great addition of strength to the British sugar plantations and a great security against the growing power of the French Colonies, every ship going from France to the French Islands being obliged to carry thither a certain number of families, by which the strength of their islands daily encrease, and they are now so powerfull as to be able whenever they think proper to endanger the loss of the British Sugar Plantations which are so considerable a branch of the Revenue to the Crown and trade of the Nation, unless guarded against in time by the additional strength of new settlements. (v) The settling of Tobago will be very advantageous in time of war from the situation of the Island which is such, that every ship going from Europe or Affrica to Portobello, La Vera Cruz, Havana, Carthagena, Portorico, Hispaniola, Cuba, or any other part of the New Spain must of necessity sail in sight of or near this Island. (vi) If not settled by the English it will some time or other be settled by some other Nation by which they will not only reap the benefit that England would have by settling this Island but their strength will thereby be still so much the more superior to that of Great Britain in that part of the world, *etc.* *Signed,* Montague. *Endorsed,* Recd., Read 31st Jan., 172$\frac{7}{8}$. *Subscribed,*

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26. i. H.M. is graciously pleased to referr this petition to the Council of Trade and Plantations *etc.* *Signed,* Holles Newcastle. *The whole,* 5 *pp.* [*C.O.* 28, 19. *ff.* 47-49, 50*v.*]

Jan. 24. Whitehall. **27.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment for Office expences and Officers' salaries for quarter ending Christmas last. Account annexed. [*C.O.* 389, 27. *pp.* 285-287.]

Jan. 29. **28.** Protests in Council by Lt. General Mathew against the appointment of Chief Justice Greatheed and other Justices, *quam diu se gesserint.* St. Christophers, March 6th, 1727, with opinions thereon. *Endorsed,* Recd. 29th Jan., Read 5th April, 1728. *Copy.* 6⅓ *pp.*

Protests in Council by Jos. Estridge, John Willett and Charles Payne. St. Christophers, 13th July, 1727, against the removal of Chief Justice Greatheed. *Same endorsement.* *Copy.* 3⅓ *pp.*

[Jan. 29.] Opinion upon preceding by Ashton Warner, Attorney General, July 24th, 1727. *Same endorsement.* *Copy.* 3 *pp.*

[Jan. 29.] Deposition of Thomas Pilkington, Merchant of St. Christophers, 22nd July, 1727, as to the verdict of the Jury of which he was foreman against James Gordon. *Signed,* Tho. Pilkington. 1 *p.*

[Jan. 29.] Deposition of Richard Haukshaw, merchant of St. Christophers, 17th July, 1727, as to misbehaviour by Edward Johnson as Justice of the Peace, May, 1726. *Signed,* Richd. Haukshaw. ¾ *p.*

[Jan. 29.] The vindication of James Gordon in reply to the reasons given by Joseph Estridge and John Willett against his being appointed a Judge *etc.* *Signed,* James Gordon. 3 *pp.*

[Jan. 29.] Answer of Lt. Gen. Mathew to the dissent of Estridge, Willett and Payne to the appointment of William Pym Burt to be a Judge. 2 *pp.*

[Jan. 29.] Remonstrance and Information to Lt. Gen. Mathew against Chief Justice Greatheed. 3 *pp.*

[Jan. 29.] Minutes of Council of St. Christophers, 25th Feb., 1727 *ff.*, relating to the removal of Chief Justice Greatheed. 2½ *pp.*

[Jan. 29.] Deposition of Thomas Pilkington. St. Christophers, 20th July, 1727, as to Chief Justice Greatheed's partial ruling in the case of Thomas Buttler *v.* James Milliken, wherein deponent was foreman of the jury. *Signed,* Tho. Pilkington. 1 *p.*

[Jan. 29.] Deposition of James Milliken. Aug. 2, 1727. *As preceding.* *Signed,* James Milliken. 1 *p.*

[Jan. 29.] Deposition of Thos. Bluett, 24th Aug., 1727. Chief Justice Greatheed refused to allow deponent, as attorney

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in case of Thomas Butler *v.* John Brownrigg, carpenter, for assault and battery, to pay costs and amend his plea according to the constant practice of the Court. *Signed,* Thos. Bluett. 1 *p.*

[Jan. 29.] Deposition of Thomas Davis. 17th Aug., 1727. Describes how Butler attacked Brownrigg (*v. preceding*) with sword and horsewhip, before Brownrigg threw stones at him in self defence *etc. Signed,* Tho. Davis. ¾ *p.*

[Jan. 29.] Deposition of Edward Mann. 18th Aug., 1727. In Aug. last Dr. Symon Allen desired him to introduce him to the Council when sitting in order that he might depose that Chief Justice Greatheed had received of him two bills as a bribe in a case he had depending before him. Dr. Allen afterwards became distracted and died so, but at that time was in his sound senses. *Signed,* Edwd. Mann. 1 *p.*

[Jan. 29.] Deposition of Thomas Bluett. 24th Aug., 1727. Practitioners in the Court of King's Bench frequently complained that C. J. Greatheed used great partiality in taxing bills of costs, allowing much larger bills to Mr. Spooner and Mr. Butler than to others *etc. Signed,* Thos. Bluett. 1 *p.*

[Jan. 29.] Deposition of Edward Claxton. 25th Aug., 1727. In an action brought by deponent against Thomas Bisse for goods delivered, C. J. Greatheed and Edward Johnson, a Justice Assistant, assessed damages and gave judgment for deponent for 1600 lb. sugar, and £36 9s. 2½d. current money, on the evidence of his books only, without a verdict of jury or other evidence, Thomas Butler being his lawyer. *Signed,* Edward. Claxton. ¾ *p.*

[Jan. 29.] Copy of clause in an Act of Courts of St. Christophers, 25th April, 1724, enabling Justices to determine actions under the value of £10 *etc.* ⅔rds *pp.*

[Jan. 29.] Proceedings in the Court of King's Bench, 13th July, 1725, in the case of Butler *v.* Brownrigg (*v. supra*). *Copy.* 2 *pp.*

[Jan. 29.] Writ of attachment of the goods of John Brownrigg, now absent from the island, as security for his answering Thomas Butler, Speaker of the Assembly, in his action against him (*v. supra*) 2nd June, 1725. *Signed,* John Greatheed. *Copy.* ¾ *p. Overpage,* List of goods attached accordingly. *Signed,* Edmd. Tannatt, D.P.M. ½ *p.*

[Jan. 29.] Writ of possession of a plantation recovered in judgment in the case of Elizabeth Crooke, widow, and Clement Crooke, infant, John Greatheed, Peter Thomas *etc. v.* Stephen Duport. *Signed,* Peter Thomas. 25th May, 1724. Possession given accordingly. *Signed,* Edmd. Tannatt, D.P.M., Aug. 11, 1724. 1 *p.*

[Jan. 29.] Proceedings in the Court of King's Bench and Common Pleas in the case of Simon Allen and Eleanor his wife *v.*

Benjamin Estridge in a plea of detinue of 24 negroes *etc.* 14th-23rd May, 1724. Judgment of recovery for plaintiffs *etc.* *Copy.* 2 *pp.*

[Jan. 29.] Copy of writ of execution in above case, 21st Feb., 1724. *Signed,* John Greatheed. *Copy.* 1 *p.*

[Jan. 29.] Order of C. J. John Greatheed in Court of King's Bench, 9th March, 1727, in case of Prince and Bartholomew Lynch. *Copy.* ½ *p.*

[Jan. 29.] Proceedings of *above* Court in case of John Denn *v.* Robert Roe, a plea of trespass and ejectment for two plantations in the parish of St. John Capisterre, Joseph and Benjamin Estridge, lessors *etc.* 11th May-27th Aug., 1725. *Copy.* 3 *pp.*

[Jan. 29.] Copy of clause in Act of Courts, 25th April, 1724, infringed by preceding. 1 *p.* [*C.O.* 152, 16. *ff.* 260-268, 270, 272-274*v.*, 276-277, 278-279, 282, 284, 286, 288, 290, 292, 294, 295, 297, 298, 299, 299*v*, 302-303, 304, 305, 306, 308, 309, 310, 311.]

Jan. 31. **29.** Duke of Montagu to the Council of Trade and Plantations. A very violent cold prevents me having the honor I intended my selfe in waiting on you to day *etc.* *Encloses* his petition (*v.* Jan. 23). *Continues* :—As what I aske of H.M. is to exchange the island of Tobago for those of St. Lucia and St. Vincent which are myne, and which I may safely say I have paid dearly for, I have sent your Lordships a copy of my grant of those Islands *etc.*, hopeing that I shall not be put under harder conditions in my grant of Tobago then those I voluntarily give up. I am informd that H.M. who has been so good allready to express his willingness to grant my petition provided your Lordships see no ill consequence from his doeing so, is desirous, that if the Island be granted to me, it may not be granted to me in the nature of a Proprietary Government, but that the soveranity of the Island, and the apointment of the Governor may be reservd to the Crown ; which is intierly my own sentiment, and which I very redyly agree to, and your Lordships will see that my grant of Sta. Lucia and St. Vincent was in that manner, but as I am desirous their may be as few objections as possible to what I desire, I have in a draft of another grant which I propose as a model of the grant of Tobago (*v. encl. ii*), intierly separated the grant of the Island, from the grant of the Government which were in sum measure intermix'd in my grant of Sta. Lucia, *etc.* Your Lordships will find in it the soile of the Island onely, with such powers, jurisdictions, and advantages, which every Lord of a manor enjoies, and which it can be no prejudice to the Crown to grant, given to me my heirs and asignes for ever, next you will find the intire soveranity of the Island reserv'd to H.M. and his successors, then you will find the constitution of a Governor with his powers, which are the same with the Governors of the other Islands, and lastly

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is the office of Governor granted to me and my heirs male, which I hope your Lordships will have no objection to, sence in my grant of St. Lucia that office was granted to me and my heirs for ever, and that it woud be impracticable for me to undertake the setlement of the Island without being Governor of it, att leest for my lyfe, from the many inconveniencis which of nesesity woud arize in makeing such a setlement if the Government was in the hands of any person over whom I had no power ; and as I propose in this grant, which was not in my other, that the Deputy Governor which I shall apoint with the aprobation of H.M., shoud att any tyme be remov'd att H.M. pleasure, I hope you will find the Government of the Island will thereby be so much in the power of the Croun that you will not see any ill consequence in the Croun's granting me the office of Governor of the Island in the manner I desire, there is one other thing in this draft I recomend to your consideration, which I hope you will not think onreasonable, which is that as it must of nessesity be a great expence to me in makeing fortifications to secure the Island, that whenever the Government goes out of my famely, they may be reimbursed that expense, as to all the conditions on which the Island is to be granted to me you will find them the same as those on which St. Lucia and St. Vincent were granted me, with one more condition aded, which is, that as soon as I shall be in quiet possestion of the Island of Tobago I shall resigne all my right and tytle to the Islands of St. Lucia and St. Vincent to H.M. and his heirs. In the instructions given to Lord Belhaven and Mr. Worsley by which they were impowered to grant lands in Tobago, the foure and a halfe per cent duty to be paid on the exportation of the product of those lands was not to comence tell ten year after the date of the grants, and if the same might be alowed now it woud be a very great encouragement to the settlement, but I submit every thing to your Lordships, and as I am persuaded you will think the setling of Tobago is att this tyme very nessesary to secure it to Great Britain from the encroachments that are daily made upon us by our neighbors, I flater my selfe you will not onely report in my favour, but that you will represent to H.M. the nessesity of asserting his right and suporting the setlement of that Island, espestialy since it will not be a proprietary Government. I shall conclude by beging of your Lordships to enjoin secrecy to your Clerks and other servants threw whose hands this afaire must pass, that if possible it may not be mentioned out of your Board, any where but in the other offices where of nessesity it must go threw, leest it shoud come to the knowlege of any of our neighbours whom I said before are glad of any opertunity to encroach upon us, and who very possibly upon the knowledge of a designe of settling this Island myte be beforehand with us. *Signed*, Montagu. *Endorsed*, Recd., Read 21st Jan., $172\frac{7}{8}$. *Holograph.* 4 *pp.* *Enclosed*,

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29. i. Duke of Montagu's Grant of Sta. Lucia and St. Vincents, 20th June, 1722. Enrolled in the Office of the Auditor of America, 27th July, 1722. *Copy. Endorsed as preceding.* 15 *large pp.*

29. ii. Draft of proposed grant of Tobago to the Duke of Montagu, referred to in covering letter. *Same endorsement.* 23 *pp.* [*C.O.* 28, 19. *ff.* 51-52*v.*, 53*v.*, 54-90, 91*v.*]

Feb. 2. Whitehall. **30.** Council of Trade and Plantations to the Duke of Newcastle. Enclose Address from New Jersey, to be laid before the King. (*v.* Dec. 18, 1727.) *Autograph signatures.* 1 *p.* [*C.O.* 5, 980. *No.* 44 ; *and* 5, 996. *p.* 249.]

Feb. 2. Montserrat. **31.** Capt. George to [?the *Duke of Newcastle*]. *Refers* to letter two years ago asking for the Government of Bermudas, which he had hoped to obtain, but now learns it is disposed of to Mr. Pitt. *Continues :* That which I at present have, is such an expence to me (for the country does not give me one shilling) that even the pay and perquisites of my Company is not sufficient to defray *etc.* *Asks leave* to dispose of his Government and Company, " which together, will ammount to about one or two and twenty hundred pounds," and retire to S. Carolina or Virginia, " for I see no probability in the station I am at present in, of laying up anything, towards discharging such debts, as was the occasion of my leaving England, but the contrary." Refers to his services in the army for 25 years *etc.* *Signed,* Paul George. *Endorsed,* Rd. May 24th. 1½ *pp.* [*C.O.* 152, 43. *ff.* 25, 25*v.*, 26*v.*]

[Feb. 6.] **32.** Edward Johnson to the Council of Trade and Plantations. *Asks for* copy of the reasons alledged by Lt. Governor Mathew for displacing him as Judge *etc.* (*v.* C.S.P. 15th Aug. and 6th Oct. 1727.) *Endorsed,* Recd. (from Mr. Matthews, Mr. Johnson's Agent), Read 6th Feb., 172$\frac{7}{8}$. 1 *p.* [*C.O.* 152, 16. *ff.* 139, 140*v.*]

Feb. 7. Whitehall. **33.** Mr. Popple to Mr. Scrope. Refers to letter of 16th March, 1727. *Continues :*—My Lords having now under their consideration Instructions for Col. Dunbar, appointed Surveyor General of H.M. woods in America, think this a proper occasion of reminding the Lords of the Treasury of the draft of the bill for the better preservation of H.M. woods therein enclosed *etc.* [*C.O.* 324, 11. *pp.* 60, 61.]

[Feb. 8.] **34.** Extracts of letters from John Bennet, Merchant in Barbados, to the Duke of Montagu. (*a*) *Barbadoes, Sept.* 17, 1726. There are now about 300 French families settled on St. Lucia, and some of them owners of 20 or 30 negroe slaves, so that 'tis not to be doubted but they will make themselves masters of it by degrees, as also of St. Vincent and Dominico, by means of their Fryars and other Missionaries who use all their arts to gain the Indians and negroes. *Proposes* that the English should have some encouragement to be making settlements on St. Lucia, as well as the French, for it is certain they are connived at and underhand encouraged. *Continues*:—We have now a great many vessells trading in the Petite Careenage and also about the Island for timber, which is very valuable, and would be more so, should we be denied by the Dutch to trade to Surrinam, of which there has been some talk, and some of our vessells have actually returned, without being permitted to trade *etc.* Many of our English would likewise make settlements on St. Lucia, and clear up parcells of land in such parts as suited them, provided they had some assurances from your Grace, that they should not be dispossessed of their lands, but should hold them by some certain easy and reasonable tenure. Should your Grace impower any person to give out grants in your name, in such manner as was Mr. Uring, the English would settle there as fast as the French without putting you to any further expence. The consequence of which might be, that possibly the French might get possession of one half of the Island, and we of the other, as formerly on St. Christophers *etc.*, which would be better than to suffer the French to settle it entirely. Their possessions are too great already amongst these Islands *etc.* *Suggests*, alternatively, a Treaty with the French *etc.*

(*b*) *Nov.* 30, 1727. *Acknowledges* letter of Jan. 24, 1727. *Encloses following*, showing how the French are making themselves masters of St. Vincents by the only advisable method. Were they to do it openly and by force, the negroes and Indians would obstruct them, as they have formerly done, but by the preaching and insinuation of their Fryers, and gratuities of rum sugar, and other little commodities, they insensibly insinuate themselves into the affections of those people, and begin to make themselves not only acceptable, but usefull and necessary amongst them. It is certain that St. Vincent has of late supplied Barbadoes with several sloop loads of corn. All which is enough to alarm the British Ministry as they regard the protection and trade of the Caribbee Islands, for they are growing so powerfull that if not speedily, nay immediatly stopt in their progress, they will certainly destroy all the Leeward English Islands and Barbadoes itself. Besides the French Court has transmitted to Martinique an Edict prohibiting all manner of trade in the W. Indies with the English Danes and Dutch and ordered several sloops be employed as guarde de la costas *etc.*, and at the same time giving licence to all French vessells to trade to the Spanish Islands of Margarita, Trinidada and Portorico. Your Grace will best judge for what reasons

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this is done *etc.* I have sent to Mr. Woodbridge a small sample of the tobacco that the French make on St. Vincents, which I had from Mr. Ridley *etc.* *Copy.* *Enclosed,*

34. i. Deposition of John Ridley of Barbados, 28th Nov., 1727. On 4th Nov. deponent, master and owner of the sloop *Endeavour*, proceeded to Corbaco, a fine bay in St. Vincents, to meet another sloop he had sent to cut timber. There were settled six or seven French families, and about a league to the north in another bay fourteen or fifteen. The said inhabitants raised provisions and a great quantity of very good tobacco, somewhat like that of Brazil. Deponent was informed that there were French inhabitants settled in most parts of the Island, and in one part there was a considerable town and a Mass house; that there are a great many free negroes and Indians on the Island and the French are daily coming over to settle there from Martinique, and that they raise and export great quantities of corn. He was informed by a schooner from Martinique, that a French man of war was coming from Martinique to seize their sloops, or to know by what authority the English cut timber there, whereupon deponent hastened to Barbados, *etc.* *Signed,* John Ridley. *Endorsed,* Recd. (from D. of Montagu), Recd. 8th Feb., 172$\frac{7}{8}$. *Copy.* *The whole,* 4 *pp.* [*C.O.* 28, 19. *ff.* 92-93*v.*, 95*v.*; *and* (*duplicate of enclosure*) 96, 96*v.*]

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Whitehall.

35. Mr. Popple to Lt. General Mathew. *Acknowledges* letters of 31st May, 24th June, 15th Aug., 12th Oct., and 1st Nov. *Continues*:—In these letters you mention several papers to be presented to the Board by Mr. Beak, Mr. Butler, and Mr. Meure; But this being a method of correspondence not approved of by their Lordships, I am commanded to signify to you their desire, that your letters to them, and whatever papers are therein referred, may for the future be sent sealed directly to the Board. H.M. having been pleased to refer to their Lordships a petition of Mr. Greathead *etc.* (*v. No.* 28), and they having moved that both you and he may be directed with such other persons as you and he shall think proper, to make affidavits before any judge or magistrate in St. Christophers *etc.*, and that the said affidavits be mutually exchanged between you, and then transmitted to my Lords, under the Seal of the Island *etc.*, their Lordships expect, that you should punctually comply with what is above proposed, as soon as possibly may be. I have wrote by their Lordships' order to this purpose to Mr. Greathead. Mr. Willett, having complaind of his having been ill used by you in Council (*copy enclosed*), my Lords expect you will in like manner transmit your answer thereto *etc.* I have also acquainted Mr. Willet with their Lordships' directions *etc.* Their Lordships observe by your letter of 15th Aug., that you are preparing an account, in the nature of a present state of the Leewd. Islands which, as their Lordships think it will be of great advantage to them, I am to desire you will transmit it as soon as possible. [*C.O.* 153, 14. *pp.* 307-309.]

Feb. 8. Whitehall. **36.** *Same* to Mr. Greathead. *Directs him* to proceed *as above.* [*C.O.* 153, 14. *pp.* 309, 310.]

Feb. 8. Whitehall. **37.** *Same* to Mr. Willett. *Directs him* to proceed as above, " as their Lordships are of opinion that every Member of the Council ought to enjoy freedom of debate and vote, their Lordships are always desirous of doing whatever in them lies, to promote the same " *etc.* [*C.O.* 153, 14. *pp.* 310, 311.]

Feb. 8. H.M.S. Berwick Port Royal, Jamaica. **38.** Capt. Gordon to Mr. Delafaye. This [is] the poorest squadron that ever went home from these parts, all of them having drawn monney from home except Capt. Solegard, and which is worst of all, no monney in the country to be sent home. I have been but once at sea since I came to this country, and on the second day after I was out, lost all my mast, sailes and rigging, and lye in harbour now till my stores come from home; however those that goe to sea can meet with nothing out of harbour, all the Spaniards keeping close in port *etc. Has sent* an express to Admiral Hosier with Sir Charles Wager's orders, in accordance with enclosed instruction *etc. Signed,* Geo. Gordon. *Endorsed,* R. 15th April. *Holograph.* 1 *p. Enclosed,*

38. i. Commodore St. Loe to Capt. Gordon. *Bredah,* Port Royal, Dec. 1727. Instructs him to forward by express any letters that may arrive to him off Point Canoa *etc. Signed,* E. St. Loe. *Copy.* 1 *p.* [*C.O.* 137, 53. *ff.* 16, 17, 18*v.*]

Feb. 8. Custom ho. **39.** Mr. Carkesse to Mr. Popple. The Commissrs. observing that it has been the practice to permit logwood of the growth and produce of the Bay of Campechea to be carryd directly to Holland and other foreign parts from New Yorke and other British plantations and it being required by law that all fustick or other drying wood of the growth, production or manufacture of any British Plantation in America, Asia or Africa which shall be exported from thence, shall be brought directly to some port in Great Britain and there put on shoar, the Commrs. desire you will move the Lords of Trade and Plantations for their opinion whether Campechea is to be esteemd a Plantation belonging to the Crowne of Great Britain *etc. Signed,* Cha. Carkesse. *Endorsed,* Recd. 8th, Read 9th Feb., $172\frac{7}{8}$. *Addressed.* 1 *p.* [*C.O.* 388, 27. T. 7.]

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Whitehall.

40. Mr. Popple to Mr. Carkesse. *In reply to preceding, encloses* copy of Representation of 25th Sept., 1717. [*C.O.* 389, 28. *p.* 332.]

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Whitehall.

41. Council of Trade and Plantations to the Duke of Newcastle. *Enclose following. Continue*:—Your Grace will perceive *etc.* that the French are actually peopling the islands of St. Vincents and Sta. Lucia, and that their strength is increasing so fast in the Charribbee Islands, that if some stop be not speedily put thereto, there is great reason to fear that all the Leeward Islands, and even Barbados itself, will be in great danger in case a rupture shou'd happen between the Crown of France and this Kingdom. Your Grace will likewise perceive that the French at St. Vincent do raise and export great quantities of corn, and that Barbadoes has of late been supplyed with several sloop loads thereof, to the detriment of the trade formerly carried on between that Island and some of H.M. Northern Plantations. There is one particular more, which we begg leave to mention to your Grace vizt., that a French man of war was expected from Martinique to seize what English sloops shou'd be found at St. Vincents, or to know by what authority the English cut timber there; we need not upon this occasion repeat to your Grace the too well known consequence of permitting the French thus to become masters of places to which H.M. has an undoubted title and therefore shall make but this one observation, that the French, if left at liberty to become masters of these islands, will be possess'd of the finest and safest harbour in all America; by which means they will not only have it in their power to make themselves masters of all the trade to the Spanish West Indies, but will have many more opportunities of clandestinely importing into H.M. Charibbee Islands such foreign goods as ought legally to be imported thither from hence only, to the manifest detriment of the trade of this Kingdom. *Autograph signatures.* 3 *pp.* *Enclosed,*

41. i. Copy of letter from Mr. Bennet, *No.* 34 (*b*).

41. ii. Copy of deposition of John Ridley, *No.* 34. i. [*C.O.* 152, 40. *Nos.* 22, 22. i, ii; *and* (*without enclosures*) 29, 14. *pp.* 431, 432.]

[Feb. 10.]

42. List of papers received from Mr. Meure, referred to by Lt. General Mathew in late letters, relating to the removal of Chief Justice Greathead *etc.* 2 *pp.* *Endorsed,* Recd. 10th Feb., Read 5th April, 1728. 2 *pp.* [*C.O.* 152, 16. *ff.* 258, 258*v*, 259*v*.]

Feb. 10.

43. Governor Hunter to the Council of Trade and Plantations. By H.M.S. the *Dunkirk* (which is the first opportunity that has offered since my arrival) I have the honour to acquaint your Lordships that, after a very agreeable passage of eight weeks, I came safe here on the 29th of the last month *etc.* My Commission was published the next day *etc.* and a general satisfaction appeared among the inhabitants. I have with the advice of the Council, issued writts for calling an Assembly; and they are to convene the 28th of March : I am in hopes they will meet with a good disposition to promote H.M. service and the interest of their country. I have not as yet had leisure to inform myself particularly into the several branches of H.M. Instructions, upon which I am commanded to correspond with your Lordships ; But I shall, without loss of time apply myself to the faithful discharge of my trust *etc.* *Prays* for their favourable construction *etc.* *Continues :* Admiral Hopson intends to sail to-morrow for Carthagena, with such ships of his squadron as are fit for sea ; and by the latest advices we have from thence the galleons were still in that port : It is generally believed that, if they stay much longer there, most of them will be rendred incapable of returning to Europe, *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 24th April, Read 2nd May, 1728. 2 *pp.* *Enclosed,*

43. i. Governor Hunter's declaration in Council, 31st Jan., 1727-8, with Council's Answer. Mutual assurances of good will *etc.* *Endorsed as preceding.* *Printed.* 1 *p.* [*C.O.* 137, 17. *ff.* 40, 40*v.*, 41*v.*-42*v.*]

Feb. 10. Jamaica. **44.** Governor Hunter to the Duke of Newcastle. Repeats part of preceding letter, *mutatis mutandis.* *Signed,* Ro. Hunter. *Endorsed,* R. April 15th. 1⅔ *pp.* *Enclosed,*

44. i. Duplicate of *No.* 43 i. [*C.O.* 137, 53. *ff.* 19, 19*v.*, 20*v.*, 21.]

Feb. 12. Williamsburgh. **45.** Lt. Governor Gooch to the Council of Trade and Plantations. *Encloses* Minutes of Council to Dec. last, Naval Officer's lists of imports and exports for half year ending Michaelmas, and accounts of imports from Madera and the Azores, and of the negroes from Africa to the same time. *Continues :* Pursuant to the directions of his late Majesty, I have appointed Wm. Byrd, Richd. Fitzwilliam and Wm. Dandridge Esqrs. Commissrs. (the two last are in the place of Col. Harrison deceased) for settling the boundaries between this Government and the Province of North Carolina : and have so far concerted this matter with the Governor of that Province that the Commissioners on both sides are to meet 5th March in order to put a final end to that dispute, which has been so many years in contest, and I hope my next will bring the account of its conclusion. The jealousies that had lately spread themselves between our Tributary Indians and some of their neighbours (whereof notice is taken in the Journal of 2nd Nov., and of which I some time since sent your Lordships the report of the march of some of our Militia under the command of Col. Harrison) are I hope so entirely removed, as to leave no further apprehension of any rupture between them, which otherwise might have given great uneasiness to our frontier inhabitants. It would I presume be needless to trouble your Lordships with observations drawn from these Journals : seeing they are either necessary orders for qualifying officers on H.M. accession, or private disputes about entrys for land, which are of little consequence. But there is one thing in the Journal of 4th Nov. which concerns myself *etc.*, 'tis an unanimous vote of the Council for paying me £300 out of the Revenue towards defraying the extraordinary charge I was at in transporting myself and family hither ; This resolution was so unexpected that I had not the least notice of it till the day it was proposed at the Board, and I thought it would not become me to refuse this extraordinary instance of their regard. All I shal offer further on this subject is, to pray your Lordships' favourable construction as well of their offer as my acceptance ; and I hope it will pass the better when your Lordships consider the present state of that Revenue as it appears in the late half year's accompt (which is also inclos'd) the ballance whereof is upwards of £6000. Perusing my Instructions, I found one (*No.* 119) wherein I am enjoyn'd to propose a law for making the Virginia estates of bankrupts liable to the satisfaction of their English creditors ; but upon examining into the practice in such cases (with submission) I am perswaded those creditors have as great advantages now for the recovery of their debts, as they could expect or reasonably desire by a special law for that purpose : for if a merchant in England breaks and has effects in Virginia, everyone of his creditors there has not only the benefit of their dividend from his effects upon the commission of bankruptcy sued out there, but they have the oppertunity on his failure, of sending over hither, and here bring suit for the recovery of his effects in this country, and in such case they have an equal share of whatever is discovered in this country in proportion with the Virginia creditors ; whereas the latter can pretend to no part with them of what is recovered in England, seeing the distance makes it morally impossible for them to make out their demands before the Commissioners here have finished their accompts and made the dividend. This being the true state of that case, I doubt not your Lordships will be of opinion that there's no occasion for such a law *etc.* The General Assembly called by my predecessor being of course dissolved by the King's death : I have called a new one which met the first instant. *Encloses Speech and Address etc. Continues :* By the choice the people have made of their Representatives, I have reason to hope for an happy issue of their proceedings, *etc. Signed,* William Gooch. *Endorsed,* Recd. 17th April, Read 2nd May, 1728. 2 *pp. Enclosed,*

45. i–iv. Duplicate of *Nos.* 46 i, iii–v. [*C.O.* 5, 1321. *ff* 22, 25-28, 29*v.*, 30, 31*v.*-33*v.* ; *and* (*abstract*) 23.]

1728.
Feb. 14.
Williamsburgh.

46. Lt. Governor Gooch to the Duke of Newcastle. Having in my former letters given your Grace a relation of the most considerable occurrences since my entring on the administration of this Government*: etc. encloses* journals of Council to Dec. *Repeats parts of preceeding.* I presume it would be needless to trouble your Grace with observations drawn from these journals; seeing they are either necessary orders for qualifying officers on H.M. accession, or private disputes about entrys for land, which are of little consequence. *Encloses* Speech and Addresses. *Concludes:* That [*address*] to H.M. I am desired to recommend to the Merchants to attend it when presented to H.M. by Micajah Perry Esq. one of the City Members, which I do by the same conveyance, directing Mr. Perry to wait upon your Grace with it. By the choice the people have made of their Representatives I have reason to hope for an happy issue of their proceedings, *etc. Signed,* William Gooch. *Endorsed,* Rd. April 15th. 1⅓rd *pp. Enclosed,*

46. i. Address of the House of Burgesses of Virginia to Lt. Govr. Gooch. We cannot sufficiently express the joy with which our hearts are filled, to see ourselves under the government of a person in all respects qualyfied *etc.* The character wch. in your private life you had established among all that knew you, reached us before your arrival *etc.* But since we have had the pleasure of seeing the beauties of that character illustrated by the example of your life in what concerns the dutys of religion, your courteous and affable behaviour to all *etc.*, your hospitality and charity, and the prudence and evenness of your temper, wch. you discover upon all occasions, we have abundant reason to think ourselves an happy people *etc.* Nor can we doubt but example, wch. is the best of all instruction, will have a great influence on all that see you, to follow those excellent rules you was pleas'd to lay down in your Speech (*No.* iv) for wch. we beg leave to return you our humble and unfeigned thanks. *Copy.* 1 *p.*

46. ii. Address of the Council and Burgesses of Virginia to the King. Their sorrow for the loss of the King his father is turned to gladness by his peaceful accession, *etc. Continues:*—It is the peculiar happiness of this country that we are more than any other of the American Plantations united in the religion of the Church of England, and our civil rights and liberties are secured to us by the same excellent laws, which have ever been the boast of the English Nation, and have made them greater than any other people. Therefore it merits our most thankfull acknowledg-

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ments that your Majesty has been pleased to declare your resolution to make the establishment in Church and State your first and always your chief care. And as we have always been happy under the protection and Government of the Crown of England, so we already at this distance feel the extensive influence of your Majesty's just and wise councels in placing over us Mr. Gooch *etc.* *Pray for* H.M. long reign *etc.* *Copy.* 1¾ *pp.*

46. iii. Account of H.M. Revenue of 2*s.* per hhd., 25th April-25th Oct., 1727. *Totals:—Balance* brought forward, £4660 13*s.* 4¾*d.* *Received,* £3745 18*s.* 2¼*d.* *Expenditure,* £2102 4*s.* 7¾*d.* *Balance,* £6304 6*s.* 11¼*d.* *Signed,* John Grymes, Recr. Genll. *Audited by* Nathl. Harrison, Depty. Auditor. *Sworn to in Council* by John Grymes. 2 *pp.*

46. iv. Lt. Governor Gooch's Speech to the Council and Burgesses in Assembly. *Will make it* his constant care to promote and propagate religion and virtue. It is his peculiar felicity to come to a country where the doctrine, discipline and worship of the Church of England, are not only established, but almost universally received, but if there are any Dissenters among them, with consciences truly scrupulous, he will think an indulgence to them so consistent with the genious of the Xtian religion, that it can never be inconsistent with the interest of the Church of England. *Urges* loyalty to the House of Hanover and enforcement of the laws, and also the observance of the social virtues of civility, good-nature, hospitality and good neighbourhood *etc.* *Recommends* to the Burgesses repair of the battery at Point Comfort and the building of a light-house on Cape Henry, which is so much wanted for the preservation of the shipping from the danger of the enemy as well as seas, that he hopes they will once more consider it. "A clause may be inserted to prevent you being at any danger thereon, unless our neighbours of Maryland either will or can be compelled to contribute towards its maintenance." *Recommends to* the Council agreement upon some methods to prevent delays in the Courts of Justice, and a new law concerning tobacco, and *promises* his concurrence in all measures for the encouragement of their trade and happiness *etc.* *Copy.* 2⅓rd *pp.*

46. v. Address of Council of Virginia to Lt. Governor Gooch. Return thanks for preceding Speech and express loyalty and good-will. *Copy.* 1 *p.* [*C.O.* 5, 1337. *Nos.* 41, 41. i-v.]

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Feb. 15.
St. James's.

47. Order of King in Council. Approving draughts of Governor Burnet's Commissions *etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1¼ *pp.* [*C.O.* 5, 870. *ff.* 59, 59*v.*, 60*v.* ; *and* 5, 194. *f.* 113.]

Feb. 15.
St. James's.

48. Order of King in Council. Repealing Act of New York *for the easier partition of lands etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 29th, Read 30th April, 1728. 2 *pp.* [*C.O.* 5, 1054. *ff.* 234, 234*v.*, 235*v.*]

Feb. 15.
St. James's.

49. Order of King in Council. The Committee for hearing appeals *etc.* having reported that Mr. Hope's Counsel agreed to Mr. George Tucker being restored to his offices of Secretary and Provost Marshal General of Bermuda, ordered accordingly, and that he be paid one moiety of the profits arising from said offices during his suspension ; and that in case there should be any refusal in such payment, petitioner be at liberty to put the security in suit, in the name of whomsoever it has been taken *etc.* *Signed and endorsed as preceding.* 2¼ *pp.* [*C.O.* 37, 12. *ff.* 7-8*v.*]

Feb. 15.
St. James's.

50. Order of King in Council. Referring following to the Council of Trade and Plantations for their immediate consideration and report as to the methods which will most effectually conduce to the ends proposed, " H.M. in Council judging it highly necessary for the service of his Navy, that the strictest care ought to be taken of H.M. woods in North America and all proper encouragement given for the raising of hemp and all other navall stores " *etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 19th, Read 20th Feb., 172⅞. 1½ *pp.* *Enclosed,*

50. i. Lords Commissioners of the Admiralty to the King in Council. Admty. Office. 13th Jan., 1727. We having received frequent complaints of the illegal and unaccountable waste and destruction of your Majesty's woods in North America, by the unjustifiable liberty the inhabitants of New England have taken in cutting down, and converting to their own use, not only great numbers of the trees in the said woods, but even those, which were the most proper, and absolutely necessary for masts for the ships of your Majesty's Royal Navy, insomuch that if some speedy and effectual care be not taken to prevent the same there will not be any trees remaining for the said service ; we thought this a matter of too great consequence to your Majesty's service to let it longer pass, without taking the necessary precautions, as far as the same does relate to us *etc.* We have upon enquiry, been informed by the Principal Officers and Commissioners of the Navy, that Mr. Burniston, who was in 1718 appointed

Surveyor Generall of H.M. Woods *etc.*, hath not either by himself, or deputy, given them any accounts of his proceedings *etc.*, and that he hath not personally been in North America, but constantly resided in England, notwithstanding that it was so absolutely necessary that he should have constantly abode in New England *etc.* It would have been of great advantage if he had been bred a shipwright, and skilled in the nature and quality of naval stores *etc.* Mr. Gulston, who is under contract to furnish masts for the Royal Navy from New England *etc.* hath represented to the aforesaid Commissioners, that very great abuses have been committed in cutting down, and exporting timber fitt for masts; which exportations have probably furnished foreign countreys in enmity with Great Britain; and that unless speedy and effectual care be taken to cultivate and preserve timber trees in New England, especially near the water side, the Royal Navy cannot be supplyed from thence, or that at least it must be very expensive to the Crown. The preservation of masts, and all sorts of timber trees, fitt for the Navy, as well as the planting and improving of other navall stores in general in N. America, is of great importance to your Majesty's service, and the same doth principally depend on the care of a diligent and honest Surveyor of your Majesty's Woods, supported in the due execution of his duty by the authority of the Crown. The said Commissioners of the Navy are humbly of opinion the aid of an Act of Parliament may be requisite, to regulate and restrain the licentious pretences of townships in your Majesty's said Government of New England, to cutt down any timber within their districts, fitt for masts, and that if the said Act did enforce the penalties mentioned in the Charter granted in the third year of the reign of King William and Queen Mary, and extend to the prosecution of all offenders, and to the inflicting severe punishments, even upon the Governours of the provinces, and the Surveyor himself, and his assistants, when legally convicted, it might effectually obtain the end proposed; for that thereby all sizes of masts might be preserved for the Royall Navy, as well trees under 24 inches diameter for future supplies, as those above, and no tree be cut to waste, but converted as occasion should require, by a skillfull hand, nor any pine tree whatever be cutt down by the inhabitants of any district, until it should be first surveyed, and a mark of leave put thereon by the Surveyor, or his assistants. Such endeavours for obtaining a supply of all naval stores from your Majesty's own plantations, deserves the greatest care and attention, since it may prove of infinite advantage to this nation, in case of a rupture with the Northern Powers, from whom the Navy is usually supplyed ; but the woods have been under no other inspection for many years past, than of an officer of the Customs, deputed by the aforesd. Mr. Burniston, whose education did by no means qualify him to be a proper judge of masts *etc.* The said Commissioners have represented, that as to the usefullness of the Naval Stores imported from America, the pitch and turpentine have proved very serviceable, and no ways inferior to that of Sweden or Russia ; that the tarr hath likewise been found very usefull in the Navy for ship work, tho' not yet arrived to the perfection that it is to be hoped *etc.* for making cordage ; and that the hemp had been so improved, that upon an experiment made of a sample thereof, brought from Virginia, it hath appeared equal in goodness to the best Riga hemp, insomuch that if proper instructions were given to the Surveyor Generall of the Woods, the planters might be induced by him to improve the same, and large supplies of that commodity, in time, be procured for the service of this Kingdom ; and the tarr improved, which, as well as other naval stores, hath of late years been imported from thence in great quantities *etc.* We entirely concurr with the *above* observations of the Commissioners of the Navy, and most humbly represent, that the preservation of the woods, and using all possible means to cultivate hemp and other stores, will very much tend to the advantage of your Majesty's service, with respect not only to the Royal Navy, but to the Nation in general; and that, in order thereunto, it is absolutely necessary the Surveyor General should constantly reside in North America, and employ his utmost care and skill not only in surveying your Majesty's woods there, and preserving them from waste, but in the instructing and encouraging the inhabitants to propagate all sorts of stores which the country will produce ; and that he should have such instructions for his government therein, as shall be judged, may most effectually conduce thereunto. *Signed,* Torrington, Jo. Cokburne, Jno. Norris, T. Littleton, L. Malgras. *Copy.* 4⅔ *pp.* [*C.O.* 323, 8. *Nos.* 83, 83. i.]

Feb. 15. St. James's. **51.** Order of King in Council. The Council of Trade are to insert a clause in Lord Londonderry's Instructions impowering him to receive an additional salary either from the first or second Assembly, as was done in the case of Governor Hart, according to the prayer of his Lordship's Memorial *etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd., 27th Feb., Read 5th March, 172⅞. 3¼ *pp.* [*C.O.* 152, 16. *ff.* 153-154*v.*, 155*v.*]

Feb. 15.
St. James's.

52. Order of King in Council. Upon report of the Committee that owing to Mr. Shute's absence, H.M. sign manual, April 10, 1727, directing him to recommend to the Assemblies of the Massachusetts Bay and New Hampshire the settlement of the Governor's salary, had not been communicated to the Assemblies, H.M. in Council, " judging it highly reasonable and necessary, that a due provision ought to be made for the support of his Governors of the said Provinces, is pleased to order *etc.*, that the Lords Commissioners for Trade and Plantations do insert an article in Mr. Burnet's Instructions agreeable to the said Sign Manual " *etc.* *Cf.* A.P.C. III. *pp.* 105-107. *Signed,* Temple Stanyan. *Endorsed,* Recd. 19th, Read 28th Feb., 172⅞. 3 *pp.* *Enclosed,*

52. i. Copy of H.M. letter to Governor Shute, 10th April, 1727. 2¾ *pp.* [*C.O.* 5, 870. *ff.* 49-50, 51-52*v.*]

Feb. 15.
Williamsburgh.

53. Lt. Governor Gooch to the Council of Trade and Plantations. *Acknowledges* letter of 5th Oct. received since his last of 12th Feb. The opinion of the Attorney and Solicitor General is entered in the proper offices as ordered. *Encloses following. Continues :*—In order to its being presented with the greater solemnity, I have sent the original to Mr. Leheup our Agent, directing him to deliver it to Micajah Perry Esq. now one of the members of Parliament for the City of London, that it may be attended by the Virginia merchants. I shall not trouble your Lordships now with any other account of the Assembly's proceedings which hitherto has been chiefly employ'd in settling the common forms necessary at the beginning of a new session ; only beg of your Lordships to consider what is necessary to be be done with our neighbours of Maryland, in case they should not be willing to contribute to the lighthouse I have recommended as absolutely necessary for the security of our shipping : for I can get no answer from them about it, notwithstanding it will be of much more usefulness and service to them, than to the Virginia ships ; for at present we can go to sea in the night, but not come from thence, and they can do neither. I hope my next will carry such a relation of the consultations of our Assembly, as will be agreable to your Lordships *etc.* *Signed,* William Gooch. *Endorsed,* Recd. 17th April, Read 2nd May, 1728. *Holograph.* 1 *p.* *Enclosed,*

53. i. Address of the Council and Burgesses of Virginia to the King. Duplicate of *No.* 46 ii. *Endorsed,* Recd. 17th April, 1728. *Copy.* 2 *pp.* [*C.O.* 5, 1321. *ff.* 34, 35*v.*-36*v.*, 37*v.*]

1728.
Feb. 16.
St. James's.

54. H.M. Warrant for the Bishop of London's commission to exercise his ecclesiastical jurisdiction in the Plantations. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 37–44.]

Feb. 16.
Whitehall.

55. Council of Trade and Plantations to the King. Recommend Col. William Randolph for the Council of Virginia, in place of Col. Nath. Harrison, decd. [*C.O.* 5, 1366. *p.* 1.]

Feb. 16.
Whitehall.

56. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 8 Acts of New Hampshire, 1724, 1726, 1727. [*C.O.* 5, 916. *pp.* 59, 60.]

Feb. 16.
St. James's.

57. Copy of Governor Burnet's Commission, New Hampshire. [*C.O.* 5, 194. *ff.* 117-138.]

Feb. 20.
Whitehall.

58. Mr. Popple to Robert Chester. My Lords Commissioners' observing by a Minute, 21st Oct., 1726, that you desire to be heard against Mr. Carlisle's being appointed a Councillor of Antigua, will be ready to hear you on Friday *etc.* [*C.O.* 153, 14. *p.* 312.]

Feb. 20.
New Hampshire.

59. Lt. Governor Wentworth to the Council of Trade and Plantations. *Begins with* duplicate of 8th Aug., 1727, and encloses duplicate of Journal of Assembly and Naval Officer's accounts to Dec. 25, 1727. *Continues*:—There has been more negroes imported this last year then in ten years before. I suppose the reason is that in the Massachusets they pay an impost of four pounds p. head, and in this Province they are imported free. As to the King's woods in this Province we have secured them pretty well, tho' we have warrants out after two or three impudent fellows, who was discovered by one of our under servayors. They had cutt down one tree that was marked with the broad arro, by an officer ten years past of a considerable bigness. Except they flye the country we shall have them before the Judge of Admiralty. This has been a greate year for snow and such seasons the pine trees are greately destroyed, we haveing [?been] pritty seveer with the logers in this Province they have for severill years last past bought common rights in the Province of Mayne where they have don greate spoil on the pine trees last and this winter more espetially, Mr. Armstrong, the Deputy Servayor, has been up in the Country and seized considerable parcills of logs, no doubt but thousands of good pine trees fitt for H.M. Royall [?Navy] distroyed have been distroyed in that Province this season and Mr. Armstrong is going to Boston to apply himself to the Judge of the Admiralty for advice in order to his furder proceedings. I hope your Lordships in your greate wisdom will let H.M. know the nessity of some seveer act to be made, and that quickley otherwise it will be toe late. A few years

1728.

will let your Lordships know it, as I have many times taken the liberty in many letters to mention if H.M. has in the Massachusets Charter received the pine trees as a royalty to himself, why may not an act be passed that all pine trees in townships as well as without, be reserved for the King's servis without regard to either, but wherever found they should be preserved as above, the people in the Province of Mayne haveing had such liberty for many years, that all pine trees within townships might be cutt for mill logs, as they pleased that it will requier somthing strong to breake them off of ye right. With greate submition I speak it, that the Act of King George the first relateing to pine trees, dos not fully answer the end designed. My Lords, those letters from Mr. Faine, allso that from the King's Attorney Generall and Sollicitor Generall those gentlemen explination of that Act of the right of King George the first they pay but little regard to it, and say that the Act of Parliamt. is what they have to trust too. I shall do everything in my power to preserve the pine trees in this Province, and as for the Massachusets I can only advise your Lordships from time to time how the affair of the woods are carried on. I am in greate hopes your Lordships have been pleased to bring on the setling the lines between the two Governmts. it would greately tend to the ease and quiet of this Province and very much contribute to the peopeling the same. I allso hope that our agent Mr. Newan has or will succeed in his prayer (in this Provinces name) for stores for H.M. Fort William and Mary at Newcastle, which has for severill years been sollicited for, and wee are as yet in hopes of suceedeing, tho' it be long first, that Castle is and will bee in good repair in another year, and then to have no Stores in it the fortification will be of little use, and the inhabitance has been so impoverished by a long Indian war, that they are not able, as have heretofore set forth to your Lordships. *Signed*, Jno. Wentworth. *Endorsed*, 29th April, 1728, Read 23rd May, 1729. *Holograph.* 3 *pp.* [*C.O.* 5, 870. *ff.* 232-233*v*.]

Feb. 20.
Whitehall.

60. Mr. Popple to Col. Spotswood. My Lords Commissioners desire your opinion as soon as may be what methods you conceive will most effectually conduce to the production of Naval Stores in the Plantations, and what you think may have occasioned the late obstruction of the increase *thereof etc.*

A like letter was writ to Mr. Joshua Gee and Robert Cary. [*C.O.* 324, 11. *p.* 62.]

Feb. 20.
Tuesday.

61. Duke of Montagu to the Council of Trade and Plantations. Since I left your Lordships I have considered the proposal I made to you in relation to the four and a halfe per cent., and as I beleive it may meet with dificultys, therefore, If the planters may be exempted from paying *it* for the first ten years,

1728.

I am willing that after that it shoud go to the Crown, without mentioning any consideration to be made me for what I may expend in makeing of fortifications, in your Lordships' report. *Signed*, Montagu. *Endorsed*, Recd. Read 20th Feb., 172$\frac{7}{8}$. *Holograph*. 1 *p*. [*C.O.* 28, 19. *ff*. 99, 99*v*.]

Feb. 21. **62.** Col. Hart to Mr. Popple. I have advice from Antegoa of the death of Thomas Morris, *etc*. *Reminds* him that Francis Carlisle, whom he formerly recommended, is minuted for the first vacancy in the Council there. *Signed*, Jo. Hart. *Endorsed*, Recd. Read 21st Feb., 172$\frac{7}{8}$. *Holograph*. 1 *p*. [*C.O.* 152, 16. *ff*. 141, 142*v*.]

[Feb. 21.] **63.** Petition of Edward Byam, merchant of London, Recommends Mr. Carlile *as preceding*. Hearing there is a caveat entered against him, prays for a day for the consideration thereof. *Endorsed as preceding*. 1 *p*. [*C.O.* 152, 16. *ff*. 143, 144*v*.]

Feb. 21.
Whitehall.

64. Mr. Popple to Mr. Carkesse. My Lords Commissioners being informed that a box directed to their Lordships has remain'd in the Custom Warehouse ever since the 17th of Jan. 172$\frac{6}{7}$, they *desire* that the same may be delivered to the bearer, and that if any box or packet directed to them should for the future be delivered into the custody of your Officers, they may be immediately acquainted therewith *etc*. [*C.O.* 324, 11. *pp*. 62, 63.]

Feb. 24.
London.

65. Col. Hart to Mr. Popple. *Refers to* his letter of 6th Aug. 1725 relating to the complaint of M. Garret of Guadeloupe that one Molineux of Montserrat had detained 14 negroes of his, who had run away. *Continues*:—Lt. Govr. George returned me answer, that he was informed, but could not prove, the negroes were in the possession of Mr. Molineux *etc*. The Attorney and Solicitor General of the Leeward Islands advis'd me that I had no power, as Governor, to take them out of the hands of Molineux: but that Mr. Garret had his remedy at law; and in that course might very easily recover them. Governor George further informed me that the said Mr. Molineux had a much greater number of negroes run from him to the Island of Marygalante: and that he had applyed himself to, and obtain'd a letter from Mr. Hamilton, late Governor of the Leeward Islands, to the Governor of Marygalante desiring he might be restord to the said negroes: and that Mr. Molineux did personally apply to the Governor of Marygalante for that end, without redress; though Mr. Molineux saw his negroes in the possession of some of the inhabitants of that Island.

I must desire that you will mention to their Lordships: that notwithstanding it is stipulated by the Treaty of Utrecht, that the damages done to the inhabitants of Mountserrat by the French under the command of Monsieur Cossart in July, 1712, should be adjusted by Commissaries of each nation, yet from that time to this the poor sufferers have receivd no releif; which amounts to the sume of £204,406 0*s.* 10*d.* as will appear by the inclosed list of their losses, which I desire you will lay before their Lordships, to take such measures as their Lordships may judge proper to the occasion. *Signed*, Jo. Hart. *Endorsed*, Recd. Read 29th Feb., $172\frac{7}{8}$. *Holograph.* $2\frac{1}{4}$ *pp.* *Enclosed*,

65. i. Account of the losses given in upon oath by the severall inhabitants [*of Mountserrat*] sustained by the attack made by the French under the command of Monsr. Cassart in the year 1712.

Names and Losses of 271 *claimants.* Damages claimed for the (i) Leeward Division, £172,874 15*s.* $3\frac{1}{2}$*d.*
(ii) Northward Division, £17,939 5*s.* $8\frac{1}{2}$*d.*
(iii) Windward Division, £10,027.
(iv) White River Division, £3,565 9*s.* 1*d.*

Certified by the President and Council, Nov. 1719, as a true copy of the accounts of the losses sustained by the inhabitants by the said invasion, brought in and sworn to in pursuance of the order of the Government "that all persons that were sufferers by the said invasion should bring in and attest upon oath before certain Magistrates by the said Government appoynted." *Endorsed as preceding. Copy.* $6\frac{2}{3}$ *pp.* [*C.O.* 152, 16. *ff.* 145-151.]

Feb. 26.
St. James's.
66. Order of King in Council. Approving draughts of Instructions for Governor the Earl of Orkney. *Signed*, Temple Stanyan. *Endorsed*, Recd. 29th, Read 30th April, 1728. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1321. *ff.* 18, 18*v.*, 19*v.*]

Feb. 26.
St. James's.
67. Order of King in Council. Appointing Col. William Randolph to the Council of Virginia in the room of Col. Nathaniel Harrison, decd. *Signed and endorsed as preceding.* $1\frac{1}{4}$ *pp.* [*C.O.* 5, 1321. *ff.* 20, 20*v.*, 21*v.*]

Feb. 27.
Whitehall.
68. Council of Trade and Plantations to the Duke of Newcastle. In obedience to H.M. commands, 23rd Jan., enclose following to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed*,

68. i. *Same* to the King. Representation upon the petition of the Duke of Montagu. Tobago is one of your Majesty's Windward Charibbee Islands, which alltho' it be comprehended in the Commission of your Majesty's Governor of Barbados, has never been settled, and produces no revenue to the Crown, nor is of any advantage to this Kingdom. It would

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therefore undoubtedly be for your Majesty's service, that the same should be effectually settled and planted; for which reason as well as for those set forth in the Duke of Montagu's petition, we are humbly of opinion, that in consideration of the surrender of the aforesaid patent for Sta. Lucia and St. Vincents, your Majesty may be graciously pleased to grant the Island of Tobago to the Duke of Montagu, upon the same terms with those contained in the patent for Sta. Lucia and St. Vincents, except only in the particulars upon which we shall humbly take leave to make the following observations; As we have found by experience that all Proprietary Colonies, where the Government is not in the Crown, are highly detrimental to your Majesty's service, and to the welfare of Great Britain; in case your Majesty should be pleased to grant the island of Tobago to the Duke of Montagu, it will be requisite that particular care be taken to reserve to your Majesty, and to your heirs and successors, the absolute sovereignty, dominion, and government, of Tobago, in as full and ample manner as your Majesty does now or may exercise the same in your Island of Barbados. By the aforesaid patent, not only the office of Captain General and Governor in Chief is granted to his Grace, and his heirs for ever, with power to appoint a Deputy-Governor, subject to the approbation of your Majesty, but likewise the power of exercising several authorities, which have ever been esteemed part of the Royal prerogative, and which, according to our humble opinion, ought not to be inserted in the grant now petitioned for; But we conceive, it may be for your Majesty's service, that his Grace should be appointed Captain General and Governor during his life, with the usual powers, and authorities, granted by Commission and Instructions to your Majesty's Governors of Barbados; and that the Deputy Governor be from time to time named by his Grace, and approv'd by your Majesty, and that he may be removed either by your Majesty, or by his Grace at pleasure. The Duke of Montagu proposes, that the planters in Tobago may be exempted from paying the duty of 4½ p. cent. on the exportation of the product of that Island, for the space of ten years from the date of the grant, as an incouragement to all new settlers; and in consideration thereof, his Grace is willing that after the expiration of the time limited for his Government, all fortifications made there, shall be absolutely vested in your Majesty, without paying anything for the same, and we are humbly of opinion, it may be for your

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Majesty's service to indulge the Duke of Montagu in this proposal. By the words of the Duke of Montagu's grant for Sta. Lucia, the right of fishing within the distance of twenty miles from the shoar is absolutely given to his Grace; But we would humbly propose that the inhabitants of Barbados and all other your Majesty's subjects may be allow'd the liberty of fishing anywhere in the seas contiguous to Tobago, reserving only to the Duke of Montagu and to his heirs, the exclusive right of fishing and of all other accidental profits accruing within low-water mark, as hath been usual in several grants to Lords of Manors, in this Kingdom. In his Grace's grant of Sta. Lucia, the laws of England relating to property in lands, goods, chatles, and estates, or relating to criminal matters are to be, and continue in force untill they be legally alter'd by laws to be made in that Island; But as so general a liberty may be attended with some inconvenience, we think it will be adviseable, that the laws of England to be put in force in Tobago, should be upon the same foundation, and only such, as have been heretofore used in Barbados. By another clause in the said grant the Duke or his Deputie are authoriz'd to appoint twelve Councillors, with the full power to make ordinances for the defence, improvement, and good Government of the Island, till an Assembly can be settled; and we have no objection to his Grace's appointing the first twelve Councillors in Tobago; but we are humbly of opinion, that all future Councillors of this Island, should, like those in your Majesty's other Plantations, be appointed by your Majesty.

By a clause in the grant of Sta. Lucia and St. Vincents to his Grace, power is given to the General Assembly of the said Islands to make laws; provided they be, as near as may be, consonant to the laws and statutes of this Kingdom, and provided that a transcript thereof be within twelve months, or sooner after the making of such laws, transmitted under the seal of the Governor, or Deputy Governor, to your Majesty for your Royal approbation or disallowance. But as in all your Majesty's other Governments in America, the Governors are directed by their Instructions to transmit copies of such laws as shall be there pass'd, to your Majesty within three months, or by the first oppertunity of conveyance after their being enacted; it is humbly proposed that his Grace be under the same restriction in this particular as the Governors of Barbados. [*C.O.* 29, 14. *pp.* 433-438; *and* (*covering letter only*) 285, 2. *No.* 5.]

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Feb. 27.
Whitehall.

69. Council of Trade and Plantations to the King. Representation upon Act of St. Christophers *against covenous and fraudulent conveyances etc.* Mr. Smith, Secretary of the Leeward Islands, alledges deeds and mortgages have for many years past been frequently registered or inrolled in the Secretary's office of that island, and certain establish'd fees paid to the Secretary for the same, which fees will be lost to him, in case this Act should take effect: as to the Act in general, he has no objection, but insists that by virtue of his present office, he ought to have been appointed the Register in this Act, and conceives that the appointment of an officer for this purpose should have been left to the Crown; he likewise observes that the fees taken in his office for entring of deeds, are much less than those appointed by this Act. In support of the Act it was alledged, that the office of Register of any kind, is not granted by express words in his late Majesty's patent to Mr. Smith, and altho' he and his predecessors have casually injoy'd a benefit from the involuntary inrollment or registering of deeds and mortgages in the Secretary's office there, yet it did by no means follow from thence that the Legislature of St. Christophers should be debarr'd from erecting a Registrar's Office by Act of Assembly, for quite different purposes than those for which deeds were inrolled in the Secretary's Office; and as the profit arising to him therein was accidental and inconsiderable, the loss would be accidental likewise, and could not be look'd upon as an injustice. As to the appointment of an Officer, they observed, that this Act could have no effect till your Majesty's pleasure should be declared thereupon, tho' they conceiv'd the Crown had already decided this point in the case of the Register's Act passed in 1698, and approved by the Crown in 1700, where the appointment of an officer for that purpose is made in the same terms with those of the present Act. It was likewise further alledged in behalf of the Act, that the aforesaid law of Antigua has proved a great advantage to that Island; that the example of Antigua had induced the Legislature of St. Christophers to think of passing a law of like nature, and many attempts had been made at different times, for that purpose, which had proved fruitless, by reason of disputes between the Council and Assembly upon the nomination of a Register; and if the present Act should miscarry, it was to be apprehended the like disputes might again arise, and deprive the island of the benefit of so advantagious a law *etc.* Finding that the main objection to this Act, is the loss of a casual profit to the Secretary's office, we are humbly of opinion that the same ought not to stand in competiton with so great and general a good as in all probability will result to the inhabitants and commerce of St. Christophers from this Act. *Propose* H.M. approbation *etc.* [*C.O.* 153, 14. *pp.* 313-316.]

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Feb. 27.
Whitehall.

70. Mr. Popple to Sir William Codrington. Observing that you have been long absent from the Council of Antego *etc.* my Lords Commissioners desire you will let them know, as soon as possible, whether and when you intend to return *etc.* [*C.O.* 153, 14. *p.* 312.]

Feb. 28.
Whitehall.

71. Mr. Popple to Lt. Governor Wentworth. *Acknowledges* letters *etc.* of 7th Aug. and 25th Sept. *Continues :* As to what you wrote with respect to the waste committed in the King's woods *etc.*, their Lordships having that matter now under their consideration, proper care will be forthwith taken to prevent the same for the future. My Lords observe that you attribute (7th Aug.) the trade of New Hampshire being at a stand, partly to the war with Spain, and partly to the want, you say, you are in, of a greater currency in paper money *etc.* My Lords are of opinion, the first of these reasons, is the real cause of the stagnation of trade ; for could the 200,000 quintals of fish, wch. you say, now remain in the country, for want of the usual number of ships to export the same, be dispos'd of, it would give a greater life to the trade of New Hampshire, than the creating £300,000 in bills of credit, as you propose. [*C.O.* 5, 916. p. 61.]

Feb. 28.
London.

72. Robert Cary to Mr. Popple. *Reply to* 20th Feb. The merchants tradeing to Virginia, Carolina and New England had a meeting last night to consider the necessary relateing to the production of navall stores in ye Plantations, desired that I would acquaint you that ye last time they attended your Lords for Trade, [*they informed them* ?] that ye pitch and tarr trade must of necessity be laid aside if a bounty of 7*s.* 6*d.* could not be obtained for the encouragement of importation, which if granted the trade will revive again and ye Navy plentifully supplyed as to hemp and iron we refer you to Col. Spotswood. *Signed,* Robert Cary. *Endorsed,* Recd. Read 28th Feb., 172$\frac{7}{8}$. $\frac{1}{2}$ *p.* [*C.O.* 323, 8. *No.* 84.]

Feb. 29.
St. James's.

73. H.M. warrant for re-appointment of George Clarke as Secretary of New York, " during Our pleasure and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 25 ; *and* 324, 50. *pp.* 64, 65.]

Feb. 29.
St. James's.

74. H.M. warrant for re-appointment of John Henderson as Attorney General of Jamaica, " to execute the said office in his own person except in case of sickness or other incapacity." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. p. 26.]

Feb. 29.
St. James's.

75. H.M. warrant for re-appointment of Thomas Windham as Register of Chancery Court and Patent in Jamaica. A clause to be inserted obliging him to residence. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. p. 27 ; *and* 324, 50. *p.* 2.]

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Feb. 29.
St. James's.

76. H.M. warrant for re-appointment of Josiah Willard as Secretary of the Massachusetts Bay, "during Our pleasure and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 28 ; *and* 324, 50. *pp.* 53, 54.]

Feb. 29.
St. James's.

77. H.M. warrant for re-appointment of John Floyer as Clerk of the Navy Office in the Leeward Islands, to act by himself or Deputy. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 29, 30 ; *and* 324, 50. *pp.* 36, 37.]

Feb. 29.
St. James's.

78. H.M. warrant for re-appointment of Alexander Henderson as Attorney General of Jamaica, "to execute the said office in his own person except in case of sickness or other incapacity." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 31, 32 ; *and* 324, 50. *p.* 1.]

Feb. 29.
St. James's.

79. H.M. warrant for re-appointment of Jonathan Blenman as Attorney General of Barbados, *with proviso as preceding. Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 32, 33 ; *and* 324, 50. *pp.* 21, 22.]

Feb. 29.
St. James's.

80. H.M. warrant for re-appointment of Richard Bradley as Attorney General of New York, "during Our pleasure and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 34, 35 ; *and* 324, 50. *pp.* 66, 67.]

Feb. 29.
St. James's.

81. H.M. warrant for re-appointment of James Smith as Secretary of New Jersey, with proviso obliging him to residence and not to be absent without H.M. leave. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 48, 49 ; *and* 324, 50. *pp.* 73, 74.]

Feb. 29.
St. James's.

82. H.M. warrant for re-appointment of John Clayton as Attorney General of Virginia "during Our pleasure and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 49, 50 ; *and* 324, 50. *pp.* 81, 82.]

Feb. 29.
St. James's.

83. H.M. warrant for re-appointment of George Tucker as Provost Marshal of Bermuda, "during Our pleasure, and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 51, 52 ; *and* 324, 50. *pp.* 46, 47.]

Feb. 29.
St. James's.

84. H.M. warrant for re-appointment of Alexander Burnet as Clerk of the Markets in Barbados, "during Our pleasure." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 52, 53 ; *and* 324, 50. *pp.* 22, 23.]

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St. James's.

85. H.M. warrant for re-appointment of Devereux Bacon as Naval Officer at Piscataway, with a proviso for his residence *etc.* *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 62, 63; *and* 324, 50. *pp.* 54, 55]

Feb. 29.
St. James's.

86. H.M. warrant for re-appointment of Lewis Morris as Chief Justice of New York, "during Our pleasure and his residence." *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 104, 105; *and* 324, 50. *pp.* 67, 68.]

Feb. 29.
St. James's.

87. H.M. warrant for re-appointing Robert Lettice Hooper Chief Justice of New Jersey, "during Our pleasure and his residence." *Printed,* N.J. Arch. 1st Ser. V. 185. [*C.O.* 324, 36. *pp.* 106, 107; *and* 324, 50. *pp.* 75, 76.]

Feb. 29.
St. James's.

88. H.M. Commission appointing Philip Livingstone Town Clerk, Clerk of the Peace and Clerk of the Common Pleas in the County and City of Albany, N.Y., and Secretary or Agent for the Government to the Indians in those parts with the salary of £100 sterling to be paid out of H.M. Revenue *etc.* *Countersigned,* Holles Newcastle. *Set out,* N.Y. Hist Soc. Publ. II. 509. [*C.O.* 324, 36. *pp.* 114, 115; *and* 324, 50. *pp.* 69, 70.]

[Feb. ?]

89. Draft of letter from [? Duke of Newcastle] to Mr. Attorney General. *Encloses* petition of Duke of Montagu for grant of Tobago, (*v.* 23rd Jan.) and representation of Council of Trade (*v.* 27th Feb.). *Concludes:* H.M. would have you consider this matter and prepare such a draught of a grant as you shall think fit proper" *etc.* *Without date or signature.*
In Mr. Delafaye's hand. ¾ *p.* [*C.O.* 285, 2. *No,* 6.]

Feb. 29.
St. James's.

90. Order of King in Council. Referring to Committee of Council representation of 27th upon Act of St. Kitts *against covenous and fraudulent conveyances etc.* *Signed,* Temple Stanyan. *Endorsed,* Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 324, 325*v.*]

Feb. 29.
St. James's.

91. Order of King in Council. Referring to Committee of Council petition of Wavell Smith and Savile Cust against an Act of St. Kitts *for erecting a new office for registering deeds, wills and conveyances. Signed and endorsed as preceding.* 1 *p.* [*C.O.* 152, 16. *ff.* 326, 327 *v.*]

March [2].
London.

92. Sir William Codrington to Mr. Popple. In reply to enquiry, states that he intends to return to Antigua. "I have waited onely to have some appeales sent me from thence and Barbados. I have one now that lies before the Council for ten or twelve thousand £s and expect one from Barbados and two more from Antigoa for considerable sums, wch. I was in hope to have had over before this, but ye Lt. Generall Mathewes will not heare any causes untill my Lord Londonderry arrives, therefore I intreat their Ldsps. will be so good as to grant me leave for two yeares longer" *etc. Signed,* W. Codrington. *Endorsed,* Recd. 2nd, Read 5th March, 172⅞. *Holograph.* 2 *pp.* [*C.O.* 152, 16. *ff.* 156, 157, 157*v.*]

March 4.
St. James's.

93. Mr. Shute to Mr. Popple. In reply to enquiry, recommends Samuel Penhallow jr. and — Atkison to supply two vacancies in the Council of New Hampshire caused by the death of S. Penhallow sr. and George Vaughan. *Signed,* Samuel Shute. *Endorsed,* Recd. Read 5th March, 172⅞. 1 *p.* *Enclosed,*

93. i. List of Councillors of N.H. and persons recommended to fill vacancies. 1 *p.* [*C.O.* 5, 870. *ff.* 53, 54, 56*v.*]

March 4.
London.

94. Col. Spotswood to the Council of Trade and Plantations. *cf.* 20th Feb. *Abstract.* Hopes he has not been too particular in displaying the discouragements, which he knows to have put a stop to the raising naval stores in Virginia. As the person who raised and imported the hemp which the Lords of the Admiralty observe to be as good as the best Riga (*v.* 15th Feb.), it behoved him to account for his giving over that manufacture, and losing the stock of proper seed, which he had with great industry propagated *etc. Continues:* From my first residence in America, I fell into the way of thinking, how the British Plantations might be made stil much more useful to their Mother-country *etc.*, by supplying her with all kinds of naval stores, and rescuing her from precarious dependance on the Northern Crowns *etc.* For it was with no small concern that, in my passage to Virginia, in 1710, I observed in each of our men of war, two Muscovites walking the quarter deck, to learn our art of navigation; and understood that this privilege was allowed them for the sake of the hemp, which we were necessitated to bring from their Prince's country. Nor was it a more agreeable reflection, how in the beginning of the last war, we were forced to court the Sweed to let us have tar to fit out our Fleet. And how did our want of iron, from the same Nation, make us bear with all those injuries and insults which were committed in 1717 upon our ships in the Baltick? These considerations, together with His late Majesty's Speech to the Parliament, for promoting naval stores in our own Plantations animated me to try whether our aforesaid wants of hemp, tar and iron could not be produced in *Virginia etc.* May challenge the Nation to shew the man, who has embarked so extensively as himself in the undertaking, or pursued it with more zeal for his country's service *etc. Continues:* I not only ingaged as many of the inhabitants as I could persuade *etc.*, to enter upon raising the said stores, but I also joyned myself, for example sake, in partnership with several persons of substance,

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to lead or carry on the design: and for that purpose we took up, after the usual manner of Virginia, 55,000 acres of the Crown's desart and ungranted lands; whereof one tract of 40,000 acres, having some very rich grounds, mixt with a great deale of piney lands, we appropriated to the production of hemp, tar and pitch; and the other tract of 15,000 acres having abundance of good iron oar, was set apart for the iron project. Then to seat and settle these lands, and to carry on our works, we built upwards of fourscore houses, and imported above 300 persons and particularly the hemp and tar tract we seated with 30 plantations of German tennants, consisting of above 100 people, whose charges of importation into the country we mostly defray'd, and provided them with houses, working tools, cattle, and all necessaries to make their new settlements *etc.*, allowing them 5 years to reimburse us our bare expences on their account, without paying any interest for that time, or any rent for the first three years; and thereafter their annual rent, for the land they held of us, was to be so moderate, as one pound weight of hemp, or flax, for each acre. Besides I had, of my own separate property, a very considerable plantation, stocked with some of the best of my negroes, and managed by a skilful and long experienced Englishman; who contracted for himself and his sons to instruct in the art and mystery of raising hemp and flax, all such servants and slaves, as I should place under their direction: and as we engaged to push on the said concern wth. vigour, I spared no cost in providing all the needfull houses, machines and materials, and in procuring seed from England, Riga and other parts. But experience shewed us that no seed answered so well, as a certain wild, or accidental seed, wch. we found in the country, and which I therefore was very careful to propagate, as well as ready to supply my neighbours with. For I perceived people in Virginia were discouraged from proceeding on hemp, by the ill-success they had in raising it from the seed: some having been disapointed by being furnished from England with bad seed; others by sowing old seed (without knowing that hemp seed generally sprouts in the first spring, altho' not put in the ground; and seed once sprouted, before sown, will produce nothing), and all adventurers in general failed, by not making a due observation, how the seed and grain, of the growth of the Northern parts of Europe, ripen a month sooner in our America, and that the hemp runs too hastily to seed, before the stalk grows to any considerable length. Whether that property may not be altered by often sowing, I am not certain; but this I know, that I sowed it for two years, without any visible amendment: and that hemp, which I sent home, and proved after various tryals in Woolwich Yard to be considerably superiour to the best Russia, and equal in strength to the best Riga hemp, was made from the abovementioned wild seed. As to the tar concern, an house built amidst the pine woods, and tar burners set to work; who made tar, which was found to be far better than what was commonly made in the low lands of Virginia and Carolina. But whether this excelling quality was owing to ours having been produced from the upland pines; or that we hapened to let our tar lye mellowing a long while in open pits without barrelling it up, with it's fiery quality for immediate exportation or sale; as is usually done; or whether the peculiar skill of our tar-burners bettered the commodity, we had not experience enough to decide: because we were obliged to put a stop to that kind of manufacture, by the Act of Parliament coming over, and prescribing a new method to be observed in the making of tar. Hereupon we considered how greatly the consumption of pine-trees would be encreased by this new method, since we were to be debarred extracting from the knots of light-wood, and decayed limbs of trees (which were always to be found plentifully scattered upon the ground throughout the pine woods) and even from whole groups, of some hundreds, of pine-trees, wch. we often behold, all on a sudden, to sicken and dye together, as if they grow from one common root; for altho' the sap and wood of those trees will rot and moulder away, yet the fat substance, of which the tar is made, never perishes or consumes by anything; but by fire: and since we were hereafter to draw our tar from no other, than live standing pines, we must destroy trees, of perhaps three score and four score foot in length, for the sake of burning only eight foot at the stump. Besides we considered that people had ever taken the liberty to gather up, and use the lightwood-knots, wch. they found upon the ungranted lands; and that even such Proprietors of land, as had no design of making tar themselves, would scarce refuse a neighbour to disencumber his ground of them: but to cut down a tree, for ye making tar, would be deemed a trespass, and not easily allowed of. Wherefore we concluded upon the expediency of enlarging our surveys of land, and two tracts, wch. then amounted to about 14,000 acres, are encreased to the above-mentioned large tract of 40,000 acres. But after a great number of pine trees had, not only by me, but by several other adventurers, been barked and managed according to the directions in the Act of Parliament, I never could hear of any one's succeeding to make tar after that new method. And at last, that I might be assured there was no neglect in those, who were to tend the kiln, I was myself there, both by night and day and was an eye wittness, that with all possible care, we did not get one barril of tar out of twenty trees; notwithstanding the remaining parts of some of those trees were so full of turpentine, that being brought to the saw-pit, the sawyers could not cut above one foot, without stopping to clean their saw. So that if the East Country tar be made after the manner prescribed in the Act (of wch. there is good reason to doubt),

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there must be some peculiar skill in extracting it, wch. we are ignorant of. And lastly as to the iron concern; my partners and I went roundly to work and set up the first furnace, that ever was known in North America, for casting pig and sow iron, and tho' we miscaried in our first attempt, by the failure of our hearth-stones, yet the little iron which we sent home, was so approved of, that immediately both at Bristol, and Bermingham, partnerships were formed for making and importing pig-iron from America. And the iron wch. I have since imported has grown yearly more in esteem with the iron-masters in England who find it the best in the world for some certain uses, and also that they being mixed at the forge with the English, proves as tough and good as the Sweedish iron. These undertakings were so liked by many of the Virginians, that several persons sold their possessions in the lower parts of the country, and removing with their wives and children, with their servants and slaves, and with all their substance, took up larger tracts of land in these upper parts, where I was carrying on the aforementioned projects. And the Assembly for the encouragement of such adventurers, as well as for better securing the frontiers, erected those upper parts into two new counties; exempting all the inhabitants thereof from paying publick taxes for ten years *etc.*, and petitioned the King to grant them an exemption from quit-rents *etc.* About a year and a half afterwards, the Assembly for the further encouragement of naval stores, passed an Act, whereby they gave a bounty (additional to that given by the British Parliament) of £4 for every tun of Virginia hemp, and of 2*s*. for every barril of tar, made after the new method prescribed by the Act of Parliament; and accordingly lodged in their Treasurer's hands £5200 appropriated to such uses. And they moreover addressed me, then as their Governor, to go in person to Albany, to endeavour to conclude a peace with the five Nations and other Northern Indians, who at that time were continually making inroads upon that part of the Colony where these undertakings were on foot. Thus far the undertaking appearing to be countenanced and encouraged, was carried on with spirrit and vigour; for notwithstanding I had lost by death two of my principal and most active partners, and that the rest were grown less sanguine upon the adventure, finding it was a work of more time and difficulty than they apprehended at their first setting out; yet I piquing myself upon the success of the project, took upon me the whole concern, after reimbursing my partners all their expences, wch. amounted to no less than £5000; besides what I had been in disburse for my own share. And that I pursued this project chiefly with a view to the publick good, one of my letters to your Lordships' Board may sufficiently manifest; seeing I therein proposed to make a free offer of all my possessions and improvements in Virginia, to be made use of and carried on, as the Ministry should please, for the benefit of the Navy: contenting myself with the honour of the first projection, if ever my plan should succeed to lessen the dependance of the British Nation on the Northern Crowns; and wholly relying on my Prince's favour to make any further use of my faithful services, or allow me a competent support for what I should surrender *etc. v.* 1st June, 1724. *Continues:*—I am next to display what has obstructed and discouraged the design. After I was thus deeply embarked, and while I was in ful pursuit of the adventures, I to my great surprise, found myself superseded in my Government; and my successor, soon after his arrival, calling a new Assembly, passed an act which declared the abovementioned sum of £5200 to be no longer appropriated for paying the bounty on naval stores, and applied the same to paying the Burgesses for their attendance in Assembly. He passed also another act, laying a duty of 40*s.* per head on imported slaves; the passage of wch. was remarkable, seeing he had all along vehemently declared against giving his assent to any such bill, and did not favour it, until he understood that I had made a contract with the Affrican Company for 400 negroes; as intending to push on my undertakings with the utmost vigour. And what was stil more remarkable, when a bill was brought in the same session, for the protection of my works (some mallicious attempts having been made upon them), he personally interposed, in a very extraordinary manner, to stop it. Moreover he without disguise took measures to draw from me all my German tenants, and openly abetted them in their not paying their rent, and in not working for me according to their agreements. These with some other unfavourable proceedings of the same stamp, were sufficient to let the country see, that the Adventurers on naval stores would not be encouraged under his Government, and so could not but give a check to the spirit, wch. I had been labouring to raise among the people, for applying part of their lands and industry that way. But when, instead of the bounty, which had been long expected from the Assembly's petition, for a remission of the rights and quit-rents in the two new erected counties, this Governor obtained (by what means or representation, I shall not venture to say) an hard restraint upon all the generous Adventurers, whereby no person was, for seven years, to be allowed to take up within these two counties, more than 1000 acres, in his own or any other name in trust for him; this new and extraordinary restriction (which was not to affect the rest of the Collony, or any other Province in North America; but was confined solely to the very spot, where the grand undertakings, for raising all manner of naval stores were on foot) did not only dishearten, but also disable the Adventurers from pursuing their design: and more especially since the Governor would

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divest them of even the lands wch. they had taken up and improved, before the date of the restraining order. Upon this I came to England, in 1724, to represent the case ; and at my first arrival attended at your Lordship's Board, with a great number of merchants who joyned with me to satisfie your Lordships that tar could not be made in the Plantations, after the method prescribed by the Act of Parliament : and altho' in my petition to His late Majesty, for the confirmation of my lands, I particularly set forth, how my zeal for the nation's service, in promoting naval stores in the Plantations, had involved me in the difficulties, which affected my grants *etc.*, yet your Lordships did not think anything I had alledged in my petition, or more largely urged in my case before your Board, concerning naval stores, to be material enough, to have the least notice taken thereof in your report *etc.*, or by any manner of expression to satisfie his Majesty that I had done wel, in endeavouring to raise naval stores : so that it remains to this day a doubt, whether our endeavours of that sort shall not pass for misdeeds ; and whether the Adventurers shall not loose their lands and improvements, for embarking too far in such an undertaking. These, my Lords, are the real discouragements, wch. I know to have put a stop to the progress of naval stores in Virginia ; But what has been the finishing stroke to cut off our supplies of American tar, every dealer therein will readily say, is the ceasing to give a bounty therein ; for they demonstrate by their accompts, that while tar bears at home so low a price, as it does at present, they cannot import it without a premium : which however the merchants, trading in that Plantation commodity, judge now may be reduced one fourth of the former bounty ; provided the payment be made after the course of the Navy bills, and that the duty of 7*s.* 6*d.* pr. last at importation be also taken off *etc.* *Continues* :—I must entreat your Lordships to excuse me from concerning myself any farther about hemp and tar, after I have suffered so severely *etc.* But as to iron (which undertaking I still pursue with courage ; because I am secure in my grant for the land, where that is carrying on) I herein humbly offer some observations and proposals *etc.* for encouraging the casting of that metal in America, and then importing it in pigs and sows, to be further manufactured in Great Britain *etc.* England is obliged to import yearly above 20,000 tons of bar-iron from foreign countries for the greatest part whereof we always pay money, and is thus dependent on the pleasure of foreign states for its supply *etc.* Neither is there the least prospect that we can attain to the providing ourselves from our own home produce with iron enough *etc.*, seeing that the vast quantity of large charcoal, wch. so many additional furnaces must necessarily consume, is an expence far beyond what the woods of Great Britain and Ireland are

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ever likely to afford. But on the continent of North America, where it has of late years been discovered, that we have great store of rich iron ore, wood so plentifully abounds, that the new-seated inhabitants, in this age, are continually labouring to destroy the same, in order to clear the lands for tillage, or open the country for air and prospect. Timber, which the nation very much wants, will make up a great part of the ship's ladings, for no vessel loaded either entirely with iron, or intirely with timber, can bear the sea *etc.* As I propose that the manufacture of iron should, in the Plantations, be carried no farther than to castings; and that their pig-iron should be brought to Great Britain, to be forged into bar, or hammer-iron, my scheme does not tend to the lessning of any one furnace *etc.*, but will supply a great many more *etc.*, and create a large demand on our Country Gentlemen for their copse-wood as well as an additional consumption of our sea-coal *etc.* *Proposes* the taking off the present duty of 4*s.* per tun on such iron, and the freeing it from the charge of landing and weighing at the Custom-House keys *etc.* *Signed,* A. Spotswood. *Endorsed,* Recd. 5th, Read 6th March, 172$\frac{7}{8}$. 12 *pp.* [*C.O.* 323, 8. *No.* 85.]

March 5. **95.** Petition of Six Lords Proprietors of Carolina to the King. *Refer to petition* of 27th May, 1727, referred to Committee of Privy Council. *Continue:*—Petitioners being informed some difficulties may probably arise with respect to the method of such surrender, and being desirous to shew, their ready inclination to remove every obstacle and concur in all things which may tend to your Majesty's honour and consequently to the peace and prosperity of your Majesty's subjects in that Province by setling it in the most safe and beneficial mannor, Your petitioners do now most humbly offer and propose to your Majesty, that you will be pleased to accept from your petitioners an absolute and intire surrender of their respective shares and interests not only of the sovereignty, but of the right and property they have to the soil in the said Province of Carolina by virtue of the two Charters granted by King Charles the Second, humbly praying your Majestie will be graciously pleased to direct and cause to be paid to your petitioners each of them respectively the sum of £2,500 without any fee or deduction upon the payment of which they are willing in due form to execute a surrender of their intire propertie in the sd. Province of Carolina as above. And in regard your petitioners have several arrears of quit-rents and other dues unaccounted for which by reason of the disorders and distractions in the said Province, they have not been able to collect and receive whereby a great arreare of debt now remains due and unpaid from your petitioners to their officers and others. Your petitioners doe therefore most humbly

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pray your Majestie that upon your Majesties accepting the before mentioned surrender, your Majestie will be graciously pleased to give proper instructions to your Governor or any other your Majesty's officers to assist your petitioners in setling their demands of arrears of quit-rents or other dues and to receive and collect the same for the use of your petitioners thereby to enable them to discharge the demands which are now upon them by reason of the said quit-rents and dues being unpaid. *Signed*, D. of Beaufort, Ld. Craven, James Bertie, H. Bertie, J. Colleton, Archd. Hutchinson. [*C.O.* 5, 290. *pp.* 257, 258.]

March 5. St. James's. **96.** H.M. Warrant appointing William Randolph to the Council of Virginia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 35, 36.]

March 5. London. **97.** Commodore St. Lo. to the Council of Trade and Plantations. As promised 18th Aug., *encloses* plan of the Grand Beach at Placentia, "that your Lordships may dispose of the same for the advantage of the Fishery, presuming that of right it belongs to the fishing shipps *etc.*, they now find themselves deprived of that benefit by the Lt. Governor, who makes the Commanders pay to him very extravagant rents yearly for the use of the same" *etc. Refers to* letters of 20th and 30th Sept., and 15th Nov. *Continues:*—Several of the French inhabitants of Placentia, who had taken the oaths to his late Majesty, and continued there, and on the West side of that Bay, finding themselves male treated, soon after quitted their residence (and retired to Cape Britton, and others into the Bay of Fortune and D'Espoir) from under the wings of (as they call him) an arbitrary Lieut. Governor, who afterwards seized upon and sold their Plantations, an instance of which I here inclose *etc.* This is a manifest encroachment on the fishery and imposition on all H.M. good subjects *etc. Signed*, John St. Lo. *Endorsed*, Recd. 5th March, Read 2nd April, 1728. 2 *pp. Enclosed*,

97. i. Copy of grant of a plantation by Lt. Govr. Gledhill. *v.* C.S.P. Sept. 30, 1727, *encl.* i. *Same endorsement.* 1 *p.* [*C.O.* 194, 8. *ff.* 148, 148*v.*, 149*v.*—150*v.*]

March 6. **98.** Petition of Henry Newman to the Council of Trade and Plantations. Is directed by Lt. Governor Wentworth to solicite the passing of the Triennial Act of New Hampshire, sent home in 1724, since other Corporations at home and in the Plantations are allowed this privilege *etc. Signed*, Henry Newman. *Endorsed*, Recd. 7th March, Read 24th May, 1728. ⅔ *p.* [*C.O.* 5, 870. *ff.* 65, 66*v.*]

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[March 7.]

99. Address of the Clergy of S. Carolina to the King. Welcome, thrice welcome, Great Sir, to the throne of your Ancestors *etc.* 10 signatures. *Endorsed,* Rd. March 7, 1728, from the Bishop of London, who desired it might not be inserted in the Gazette. 1 *p.* [*C.O.* 5, 383. *No.* 36.]

March 7.
Whitehall.

100. Mr. Popple to Mr. Fane. Encloses draught of bill *for the better and more effectual preservation of H.M. woods in America, and for encouraging the importation of Naval Stores from thence,* for his opinion thereupon in point of law, as soon as possibly may be. [*C.O.* 324, 11. *pp.* 63, 64.]

March 7.
Jamaica.

101. Governor Hunter to Temple Stanyan. *Has nothing* to add to letter of 10th Feb., but would "be glad to know Mr. Coleman's resolution as to Mr. Bowerman's offer." If the Assembly reflects the disposition and temper which is generally observed at present in the country, he may hope for a good issue *etc.* "We have had no ship from Europe since my arrival or advice from Mr. Hopson since he sail'd for ye coast." *Encloses* duplicate of 10th Feb. *Signed,* Ro. Hunter. *Endorsed,* R. May, 22th. *Holograph.* 1 *p.* [*C.O.* 137, 53. *ff.* 24, 25*v.*]

March 8.
Westminster.

102. H.M. letters patent renewing patent of Alexander Henderson, Attorney General of Jamaica. *Countersigned,* Cocks. *Copy.* [*C.O.* 324, 49. *ff.* 55–57.]

March 11.

103. Mr. Beake and Mr. Meure to Mr. Popple. Ask that hearing of complaint against Lt. General Mathew may be deferred. *Signed,* Tho. Beake, Abraham Meure. *Endorsed,* Recd. Read 12th March, 172$\frac{7}{8}$. 2 *pp.* [*C.O.* 152, 16. *ff.* 158, 158*v.*, 159*v.*]

March 12.
Boston.

104. Lt. Governor Dummer to the Council of Trade and Plantations. Since my last to your Lordships wee have had a long Sessions of the General Court of this Province, copies of all the Votes, Acts and Orders, passed therein shall bee sent you as soon as the Secretary can prepare them who looses no time in copying them over. In perusing the said votes &c., your Ldships will perceive the great struggle that has been made for more bills of Credit which are insisted on as absolutely necessary for the support of the Government and the trade and buisness of the inhabitants : for which important occations divers bills have passed the House of Representatives and met with a non-concurrence at the Councill. At length a bill entituled An Act for Fortifications *etc.*, passed both Houses, but the sd. bill seeming to be inconsistent with instructions from their Excellencys the Lords Justices, d. Sepr. 27th, 1720, and also with the instructions from your Lordships dated Februr. 8, 1726/7, signed by Mr. Popple, I thought it necessary

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to take the advice of H.M. Council of this Province thereon who gave it their opinion that the bill was inconsistent with sd. instructions, notwithstanding that they had before passed a Concurrence on it (as they say) in another capacity: upon wch. I rejected the bill. After that another bill was projected and passed both Houses intituled an Act for raising and settling a publick Revenue for and towards the defraying the necessary charges of this Government wch. bill being for an emission of sixty thousand pounds altho' it was for raising a revenue for the support of the Government, yet the interest onely being to be apply'd for that service I thought it necessary to summon all the Council of the Province (whereof 23 appeared) to take their opinion upon it with reference to the aforementioned instructions, and their answer I now inclose to yr. Lordships. Upon which I shall onely observe that tho' they mention in the first part thereof that they don't think themselves obleiged to give any further advice on the sd. bill then what they expressed by their concurrence to it as part of the Legislature, they nevertheless say as follows: "At the same time they cannot but think it will be as well for H.M. honour and service and agreeable to your duty to H.M. as for the good and welfare of the Province and the necessary support of the Government thereof if the bill bee consented to by your honour." Upon which I passed the bill conceiving my selfe in all difficult and doubtful cases most safe in p'sueing the advice of H.M. Council: wch. if it be agreeable to your Ldships' sentiments as I have alwayes endeavoured to conforme my selfe I shall have greater satisfaction. As to the hundred thousand pounds that your Lordships mention'd you expected I would take effectual care to have brought in and burnt to ashes according to the time appointed by the Act for emitting the same I have already acquainted your Ldships of my proceedings therein that I have persued it as farr as lay in my power, but inasmuch as it lay with the General Court by an Act to appoint p'sons for the receiving and burning thereof wch. I could not at that time obtaine, and that the Commissioners for calling in the mony were under some difficulty as to sueing out the mortgages, which they thought they wanted the authority of the Genl. Court to assist them in. I was willing to do the next best I could which was to consent to a resolve now passed wch. will effectually bring in all the sd. bills within the space of 4 years wch. considering the equity of redemption provided for in the first Act will not protract the time above one year eaven for the last payment beyond what the borrowers might have done by vertue of that Act. I lately received a letter from your Lordships dated the 31st of August wch. mentions that some Governors of H.M. Plantations have not made abstracts in the margins, of the Minutes of Council and Assembly *etc.*, wch. I think has alwayes been don on those sent from hence but if your Ldships will please to point out where wee have been wanting I shall take care while I have the honour to bee in command to have it p'formed. Before the Court rose they voted a Committee to consult proper measures to restore the value of the bills of Credit of this Province wch. if it can be done propperly will doubtless be for H.M. service and the benefit of the people. It may not be improper to add one word further concerning the Act for calling in the 100,000 that tho the burning of them is not incerted therein yet its all one, for the bills are all dead when they are return'd into the Treasury as much as if they had never been made, and a reason given for not incerting it was that whereas many of them might be good bills and so by being changed for bills torn and defaced might save the charge of making more for that use and for the yearly emissions for the charges of the Government. I inclose your Lordships the copy of advice of Council for passing this bill *etc.* *Signed,* Wm. Dummer. *Endorsed,* Recd. 14th, Read 24th May, 1728. 4 *pp.* *Enclosed,*

104. i. Minutes of Council of the Massachusetts Bay, Feb. 17–20, 1728. *Endorsed,* Recd. 29th April, 1728. 1 *p.*

104. ii. Minute of Council, Jan. 26, 1728. 1 *p.* *Same endorsement.* 1 *p.* [*C.O.* 5, 870. *ff.* 104–105*v.*, 106*v.*, 107, 108*v.*, 109, 110*v.*]

March 13.
Whitehall.

105. Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to continue Richard Philips in the employment of Governor of Placentia and Capt. General and Governor in Chief of Nova Scotia *etc.*, you are to prepare draughts of a Commission and Instructions for him *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 14th, Read 16th March, 172$\frac{7}{8}$. 1 *p.* [*C.O.* 217, 5. *ff.* 9, 10*v.*]

[Mar 15.]

106. Officers of H.M. Yard at Woolwich to Col. Spotswood. Oct. 27, 1725. Certificate that they found the sample of Virginia hemp submitted by him, to be considerably superior to the best Russia, and equal in strength with the best Riga hemp. *Cf.* 4th March, 1728. *Signed,* T. Holmes. *Endorsed,* Recd. (from Col. Spotswood) 15th March, 172$\frac{7}{8}$. *Copy.* $\frac{2}{3}$ *p.* [*C.O.* 5, 1321. *ff.* 12, 13*v.*]

March 15.
Whitehall.

107. Mr. Popple to Sir Jacob Ac[k]worth, Surveyor of H.M. Navy. *Requests a* return of prices of Naval Stores for some years before the Revolution to 1698, and for as many years as possible since Christmas, 1716. [*C.O.* 389, 28. *p.* 335.]

March 15.

108. David Dunbar to Temple Stanyan. *Encloses* letter from New England concerning the condemnation of 200 fine masts for H.M. use, and asks for directions thereon from the

Duke of Newcastle, and also upon the question of furnishing the Spaniards with large planks *etc.* Being about to imbark, *asks* that his former memorial may be referred to the Board of Trade *etc.* *Signed,* David Dunbar. *Addressed.* 1 *p.* [*C.O.* 5, 898. *No.* 44.]

March 15. Whitehall. **109.** Duke of Newcastle to the Council of Trade and Plantations. I have laid before the King your report upon the Duke of Montagu's petition *etc.* His Majesty expected your report would have been more particular upon several points, of which H.M. would be apprised, in order to form a judgement whether his Grace's request is proper to be granted. H.M. would know of what advantage you apprehend that the settling of Tobago may be to his Revenue, and to the Trade and Navigation of his subjects in this Kingdom; how it may affect H.M. other Dominions in America, in the relation to their security and commerce; and what effect it would have upon the trade and navigation of other Nations possesst of Colonies and Plantations in America *etc.* *Returns* report of 27th Feb. for their opinion "in these particulars and such others as may occurr to you." *Signed,* Holles Newcastle. *Endorsed,* Recd. 18th, Read 22nd March, 172$\frac{7}{8}$. 1$\frac{1}{2}$ *pp.* [*C.O.* 28, 19. *ff.* 102, 102*v.*, 103*v.*]

March 16. N. Providence. **110.** Governor Phenney to the Council of Trade and Plantations. *Sends* public papers by way of S. Carolina. *Continues*:—Not having receiv'd any stores of war *etc.*, and the encreasing rumours of a war oblige me to continue my sollicitations on that head. Our fort to the eastward advancing apace I don't question, if we are accordingly supplied with amunition, to make this port very defencible against any force the Spaniards can send. When I wrote in Nov. last I was in a very weak and languishing condition and desir'd your Lordships to intercede with H.M. for his Royal lycence to go for England for the re-establishment of my health, but it having pleas'd God to restore me in great measure, I don't question but to be able to do my duty in case anything happens. The Gunner's account enclos'd will show how low our stock of powder is, and I beg your Lordships will excuse my mentioning it again, considering our condition and incapacity to supply ourselves. *Signed,* G. Phenney. *Endorsed,* Recd. 3rd June, Read 9th. July, 1728. 1 *p.* *Enclosed,*

110. i. Governor Phenney's Replies to Queries of the Board of Trade. Repeats former answers. *v.* C.S.P. 28th. Jan., 1726 *and* 20th April, 1727, adding to list of negroes imported, two imported from Barbados in 1727. *Endorsed,* Recd. 3rd June, 1728. 10 *pp.*

110. ii. Account of stores of war wanting at Nassau. *Signed,* G. Phenney, *and six Councillors.* 2 *pp.*

110. iii. Account of stores of war brought over by Governors Rogers and Phenney and what remains 1st Jan., 1728. *Signed*, Willm. Shott. 3 *pp.* *Nos.* ii and iii *endorsed*, Recd. 3rd June, 1728.

110. iv. Public Accounts for 1727. *Receipts* (including £20 12*s.* 9*d.* brought forward) £84 13*s.* 9*d.* *Expenditure* £53 11*s.* 6*d.* *Signed and sworn to in Council*, Pr. Goudet, Treasurer. *Endorsed as preceding.* 2 *pp.*

110. v. List of Baptisms in 1727, (30 infants, 18 adults); Marriages (7), and burials (7). *Signed*, a true copy from the Church Register, W. Fairfax, Secry. *Same endorsement.* 1 *folded p.* [*C.O.* 23, 2. *ff.* 131, 132*v.*–137*v.*, 138*v.*–141, 142*v.*, 143*v.*–145*v.*; *and* (*enclosure i only*), 23, 12. *No.* 95.]

[Mar. 16.] **111.** List of ships entered and cleared at New Providence, 26th Dec., 1727—25th March, 1728. *Signed and sworn to*, by Jno. Warner. Navl. Offr. *Endorsed*, in Governor Phenney's, March 16. 6 *pp.* [*C.O.* 23, 12. *No.* 94.]

March 16.
N. Providence.
112. Governor Phenney to the Duke of Newcastle. Duplicate of *No.* 110. *Signed*, G. Phenney. *Endorsed*, R. 5th June. 1½ *pp.* *Enclosed*,

112. i. Minutes of Council of the Bahama Islands 10th March—16th Dec., 172$\frac{6}{7}$. 28 *pp.*

112. ii-vi. Duplicates of *Nos.* 110 ii–v and 111. [*C.O.* 23, 14. *ff.* 13, 13*v.*, 14*v.*–30, 31*v.*, 32, 33*v.*, 34, 35*v.*, 36, 37–38, 39, 39*v.*]

March 16.
Whitehall.
113. Mr. Popple to Mr. Oxenford. *Asks for* an account, as soon as possibly may be, of iron imported for 10 years past, and of duties now payable thereon, especially pig iron from the British Plantations. [*C.O.* 324, 11. *p.* 64.]

March 18.
Navy Office.
114. Sir Jacob Acworth to Mr. Popple. In reply to 15th March, encloses following and account of prices of Naval Stores rendered by Navy Board 8th Aug. 1696. *Signed*, Ja. Acworth. *Endorsed*, Recd., Read 19th March 172$\frac{7}{8}$. 1 *p.* *Enclosed*,

114. i. Account of prices annually given by the Navy Board for pitch, tar and turpentine and for New England masts, yards and bowsprits, 1717–1727 inclusive. 3 *pp.* [*C.O.* 323, 8. *Nos.* 86, 86 i.]

[Mar.?19.]
Between 12th & 19th March.
115. Five Lords Proprietors of Carolina to the Committee of Privy Council. [*Reply to enquiries by the Committee*, (12th March) *concerning grants of lands made by the Proprietors of Carolina to each other. This reply was read by the Committee on* 19*th March.* *v.* A.P.C. III. *No.* 132.] *Continue*:—We doe admit there have been several tracts of land granted to the

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Proprietors and others by virtue of the powers given to them by their Charter, the particulars of which from 1713 are:— 1714. One grant of all minerals (excepting Royal mines) and one for making of oyl from the nuts of Carolina, both which were to be void, if not undertaken and attempted within three [? *years*] after the date, and now consequently void. A grant of 500 acres to the Rev. Mr. Johnston, reserving the usual quit-rents, which we beleive was not set out he being since dead. 1715. 5000 acres to Mr. Hodgson, reserving usual quit-rents, never set out as we know of. 1716. A grant to Mr. Churchy and Swartz for wrecks within the limits of the Lords patent, reserving 5 p.c. out of the net profits, which project was never entred upon. 1719. Sir Robert Montgomery had a grant of a great tract of land between the Rivers Savanna and Alatamaha at a quit rent of a penny an acre yearly, as it should be settled, with the reservation that the Proprietors might re-enter if Sir Robert his heirs *etc.* should not begin the settling for 3 years. 500 acres of land to Revd. Mr. Allsop. He dyd and it was never taken up. Altho' in 1713 no lands were ordered or lay'd out for the Lds. Proprietors either in S. or N. Carolina, yet in '18 and '19 there were several Baronies lay'd out for the use of the Lords Proprietors, *etc.*, they judging this method might tend to the better peopling the Province by engaging the Proprietors separately to cultivate and improve their own lands, but by reason of the disorders of the Colony, these lands were never entred upon, except one Barony by Sir John Colleton's son, who went over above a year since to settle the same. 1722. 12,000 acres were granted to the Secretary Mr. Shelton as a gratification for his many years services, but not yet set out. 1724, 5. 12,000 acres to Mr. Purey upon condition that he should transport 300 people within a year, and a farther agreement was made with Vats and Pury for two Baronies in consideration they should transport 1200 Switz into the Province at their own charge, which they are not able to perform. But the consideration of this affair being recommended to the Proptrs. by the Duke of Newcastle and the Lds. Commissioners of the Plantations, the Proptrs did propose at their own charge to have paid the passage of 300 Protestant Switz, in case they could give security to settle upon the Savanna river, for the greater safety of the infant Colony at Port Royal, but this was never done. 1726. Four baronys of 12,000 acres each were granted to Mr. Thomas Lowndes and three other persons in consideration of his services for the common good of the Province and of the surrender of a former grant of 48,000 acres (which upon examination appeared never to have been set out) which deeds were inrolled in H.M. Court of Common Pleas. A warrant was granted to Col. Samuel Horsey for a Landgraveship with four baronies thereunto annexed, and a patent was ordered for the same, but not taken out by him, by reason of the unsetled state of the Province. 1727. A grant of 1000 acres of land at a quit rent of a penny per acre to commence three years after the date was made to one Tayler of Ireland, who went over with above 30 white people to settle there. *North Carolina.* 1723. A grant was made to Mr. Burrington for 2000 acres upon his being appointed Governor of North Carolina; which he refusing to accept, we look upon that to be void. 1724. 2000 acres were granted to Sir Richard Everard, when he was appointed Governor, reserving the usual quit-rents, and we are informed this has been set out accordingly. 1727. 3000 acres were granted to my Lady Everard at the usual quit-rents, upon her going over with her family to settle there, who went about May last. These are all that ever were granted by the Proprietors since 1713. And if we have not given your Lordships a more exact account of the conditions upon which they were granted and the place where they are to be set out, it is for want of a proper register *etc.* Nor could we obtain a true rent roll of our lands which occasioned our presenting a petition to his late Majestie praying that he would be graciously pleased to direct his provisional Governor to cause a Register to be made of all the lands granted, and upon what terms—in order to know how to settle the remaining uncultivated lands in such manner as might conduce to the publick good. In answer to the last of your Lordps'. queries, we doe admit that the Proptrs. did shut up their office for the sale of their lands in Carolina in 1719, when Mr. Johnson suffered himself to be deposed; which we humbly apprehend was not only prudent but justifiable, the Proptrs'. predecessors having at their first entring upon the execution of their Charter made grants of large tracts of lands to several persons who proposed to settle at a very small quit-rent there, or only a peper corn yearly, in expectation that the grantees of such lands would have been induced to settle them, and thereby increase the number of inhabitants. But as we are informed there is not a sixth part of the land so granted as yet settled by anybody, we conceive such lands may be re-entered upon *etc.* The Proprietors were always ready at their office in London to grant their unsetled lands at a moderate quit-rent, not exceeding one penny per acre yearly to any persons who with an intention to settle there would have apply'd to them; and they were ready to receive and comply with any reasonable proposal of that kind from the country's agent Mr. Yong, notwithstanding his known ingratitude to the Proprietors whose Surveyor General he was for many years; but absented himself from the Province, and his duty without their leave and consent *etc.* By the clause in our last petition *etc.* (*v. 5th March, proposing surrender of sovereignty and interest*) we mean and intend to

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surrender to H.M. our right and title to all our lands not entred upon and improved, as well the baronies and lands granted to each of us, as proprietors, as also other our lands whatsoever in the Province of Carolina, desiring that in drawing the deed of surrender, they may be as fully convey'd, and vested in the Crown, as we are capable of doing it without any restriction or reserve. *Signed*, D. of Beaufort, Ld. Craven, James Bertie, H. Bertie, J. Colleton. [*C.O.* 5, 290. *pp.* 259–266.]

March 19. **116.** Mr. Meure to Mr. Popple. *Encloses* proofs to support Mr. Mathew's answer to the Address against him. *Continues :—* I expect (by the first ships) an approbation (honourable to Mr. Mathew) from the present Assembly of all the vouchers and accounts complained of in the sd. Address as not deliver'd to ye Assembly, tho' the contrary is evident by the Minutes of Council, *etc. Signed*, Abr. Meure. *Endorsed*, Recd. 20th, Read 21st March, 172⅞. 1½ *pp. Enclosed*,

116. i. Minutes of Council of St. Christophers, 5th March, 1726, recording the reconciliation of Governor Hart and Lt. General Mathew. *Endorsed*, Recd. 20th March, 172⅞. *Copy.* ¾ *p.*

116. ii. Minutes of Council and Assembly and papers relating to Lt. Genl. Mathew's accounts for fortifying Brimstone Hill. *Endorsed as preceding.* 20 *large pp.*

116. iii. Deposition of Nathan Crosley as to Lt. Genl. Mathew's trouble and expense in fortifying Brimstone Hill. 22nd May, 1727. *Signed*, Nathan Crosley. *Same endorsement.* 1 *p.*

116. iv. Deposition of N. Crosley as to Lt. Genl. Mathew's interview with the Committee of Accounts *etc.* 22nd April, 1727. *Signed*, Nathan Crosley. 1 *p.*

116. v. Deposition of John Harris, confirming preceding. 21st April, 1727. *Signed*, Jo. Harris. *Endorsed*, Recd. March 20, 172⅞. 1 *large p.* [*C.O.* 152, 16. *ff.* 170, 170*v.*, 171*v.*, 172, 173*v.*–183*v.*, 184*v.*, 185*v.*, 186*v*–187*v.*]

March 20. **117.** Mr. Beake to Mr. Popple. Is unable to attend the Board owing to illness. *Encloses* following papers and awaits further instructions from St. Kitts *etc.* *Prays* that several Acts of St. Kitts may be reported on *etc. Signed*, T. Beake. *Endorsed*, Recd. 20th, Read 21st March, 172⅞. 1 *p. Enclosed*,

117. i. Thomas Butler to Thomas Beake, St. Christophers, 7th Sept., 1726. Encloses duplicate of Address of Assembly sent in April last, and expresses concern at not having heard of its being laid before the King *etc. Signed*, Tho. Butler. *Copy.* 1 *p.*

117. ii. Mr. Spooner, Speaker of Assembly, St. Christophers to Mr. Beake. St. Christophers. June 30, 1727. Is not yet able to send proofs of the allegations in the

Address of Assembly relating to Lt. General Mathew *etc.*, he not having called the Assembly together since Genl. Hart went away *etc.* *Signed,* J. Spooner. 1⅔ *closely written pp.*

117. iii. Minutes of Council and Assembly of St. Christophers relating to Lt. Genl. Mathew's accounts *etc.* 16th April—18th May, 1726. *Copy.* 1 *p.*

117. iv. Affidavit of John Griffes, Clerk of the Assembly, that enclosed papers are true copies *etc.* and as to proceedings of Assembly. 8th Aug. 1727. *Signed,* John Griffes. 1 *p.*

117. v. Minutes of Assembly, 9th Oct. 1725—Feb. 19, 1726, relating to Lt. Genl. Mathew's accounts. 5 *pp.* [*C.O.* 152, 16. *ff.* 160, 161, 162, 162*v.*, 163*v.*, 164*v.*, 165*v.*, 166*v.*, 167*v.*, 168*v.*–169*v.*]

March 20. Whitehall. **118.** Council of Trade and Plantations to the King. In obedience to Order of 15th March, *report* upon Admiralty Memorial relating to the destruction of H.M. woods *etc.* and encouragement of Naval Stores. It is with great pleasure, that we observe upon this occasion the conformity between the opinion of the Lords of the Admiralty, and that of this Board upon this important subject. We have always thought, that nothing can be of greater consequence to your Majesty's service, and the welfare of this Kingdom, than the preservation of your Majesty's woods in America, and the importing of timber, and all sorts of Naval Stores, directly from your Majesty's Plantations to Great Britain; and we have often represented the same in several reports to the Crown. This matter being again referred to us by your Majesty's Order; we have perused our former reports and discoursed with some persons who were formerly Governors of your Majesty's Colonies, with sevl. merchants concerned in the importation of Naval Stores, and likewise with the Commissioners of your Majesty's Navy, that we might be the better able to offer the proper means for preserving your Majesty's woods, and for encouraging the raising and improvement of Naval Stores in America: Whereupon we humbly take leave to represent to your Majesty that by the Charter granted to the Massachusets Bay, "all trees of the diameter of 24 inches and upwards at 12 inches from the ground growing upon any soil or tract of land in the said Province, not heretofore granted to any private person" were reserved for the use of the Crown. But this reservation hath been entirely destroy'd by ye construction, which the people of New England put upon a clause in an Act passed in the 8th year of His late Majesty's reign, *giving further encouragement for the importation of Naval Stores etc.*, whereby it is enacted for the preservation of white pine trees, for the masting the Royal Navy, that no person shall fell, cut

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or destroy any white pine trees not growing in any township or the bounds thereof *etc.* The construction the inhabitants of the Massachusets Bay put upon this clause is, that your Majesty has no property in any trees growing in any township or ye bounds thereof, and consequently that the Surveyor General of the woods hath no power to prevent the people from cutting them, for their own use. The inhabitants of New Hampshire having interpreted this Act of Parliament in the same manner, have got the greatest part of their Colony granted out into townships, by which means, unless a remedy be speedily apply'd, your Majesty will be deprived of the benefit of any masts growing either in the Massachusets Bay or New Hampshire. This we take to be the chief cause at present, of the destruction of your Majesty's woods in those Provinces, which in our humble opinion can only be prevented by Act of Parliament, and we did some years ago present a Bill to the House of Commons for this purpose, as likewise to incourage the importation of Naval Stores, which had not then the desired effect. This Board has also ever been of opinion that it would be necessary for your Majesty's service, that the Surveyr. of your Majesty's woods should constantly reside in some of your Majesty's Plantatns. on the Continent of America ; and that the respective Governors thereof, should be directed to be aiding and assisting to the said Surveyor in the execution of his duty. But, as it is impossible that one man alone should be able fully to discharge his duty to your Majesty in so extended a trust without proper assistants ; in our humble opinion it would be for your Majesty's service that the said Surveyor should be allow'd two or more Deputies, with competent salaries, for their subsistance, and that those Deputies should be ship carpenters by professions conversant in the use and value of timber. These methods would probably contribute towards the redress of so great an evil as the destruction of your Majesty's woods, and therefore should by no means be neglected. But even these we have reason to apprehend will not be entirely effectual ; for altho' the reservation of timber of certain scantlings for your Majesty's service, is already expressly made by many Acts of Parliament now in force : yet the trees in the Massachusets Bay and New Hampshire being for the most part intermixt with private property, and the interest of the inhabitants in this particular, being opposed to that of the publick, it has by long experience been found impracticable, to put the laws in execution in their ordinary course and therefore the adjudication of this matter has by subsequent laws been placed in the Admiralty instead of the Common Law Courts, it being impossible to find a Jury that would do justice to ye Crown in this particular. Upon this footing the Law already stands with respect to your Majesty's woods, notwithstanding the repeated complaints, which we have received, and as often reported concerning the destruction made in them; and therefore when this Board was directed to draw up Instructions for Col. Philips your Majty.'s Governor of Nova Scotia, in order to secure a lasting store of timber for the service of the Royal Navy in all times to come free from contest and intermixture of property they took care to insert an Article, wherein it was provided, "That certain tracts of land found upon survey to be most proper for producing of masts and other timber for the use of the Royal Navy and lying contiguous to the sea coast or navigable rivers should be reserved for your Majesty's service"; and the Governor was forbid to make any grants of land, till such tracts should have been marked out and set apart for your Majesty's use not amounting to less than 200,000 acres *etc.* And as we conceive this to be a matter of very great consequence to your Majesty's service, we would humbly propose that the Surveyor General of your Majesty's woods may be directed, without loss of time, to proceed to Nova Scotia and to execute your Majesty's Orders in this particular. It would certainly be of great advantage to these Kingdoms that we should from time to time receive such supplies of Naval Stores from your Majesty's American Colonies as might render us independant of our Northern neighbours, in an article so highly important to the defence, the Trade and Navigation of Great Britain. This Board has therefore on all proper occasions urged the necessity of this proposition, and the Legislature have likewise at different times, made the same the subject of their consideration. From hence the several Acts have taken rise which heretofore gave præmiums on the importation of Naval Stores from the British Colonies in America, which Acts have been attended with very good consequences, inasmuch as they have greatly reduced the price of some Naval Stores, particularly of pitch and tar. But the said præmiums are now all expired, except only such as relate to hemp. And we are humbly of opinion it may be necessary to renew them, tho' not in the same degree. By an Act passed in the 3rd and 4th of Queen Ann, the præmiums given upon Naval Stores were, for pitch and tar £4, pr. ton, rozin and turpentine £3, masts and yards and bowsprits £1, hemp, £6, to continue 9 years; and by another Act passed in the 12th year of the Queen they were continued for 11 years longer. By an Act passed in the 8th year of His late Majesty's reign, the præmium given upon hemp was further continued for the space of 16 years, and from thence to the end of the next Session of Parliament which will expire about the year 1741. But the præmuims on all other Naval Stores did expire in Janry., 1725/6. By the last mentioned Act, there was a particular manner prescribed to prepare trees for the making of tar, and it was then intended that no præmiums should be given on any tar but

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such as should be made from trees prepared after the method prescribed. And in the Bill which was offered to the House of Commons about 4 years since for encouraging the importation of Naval Stores from the British Plantations in America, and for the better preservation of timber there, for the use of H.M. Navy, it was thought proper to have so much regard to this new method as to give some additional encouragement more than in ye common way of making tar, to induce ye planters to fall into the practice. But as we are informed by several persons concerned in making and importing of tar, this way has been attempted without success and is so far despaired of that they are apprehensive if this restriction should be made general it would in effect prevent the importation of any quantities of tar from your Majesty's Plantations and consequently make us again dependant upon the Northern Crowns for supplies of this material branch of Naval Stores: we are of opinion, in case it should be thought fit, that præmiums be continued upon tar imported from your Majesty's Plantations, that all tar clean, good merchantable, well conditioned, clear of drops or water, and fit in every respect for making cordage should be entituled to the præmium hereafter specify'd, and that an additional encouragement should likewise be given to engage the Planters if possible, to make tar in this new method, which we have reason to believe is the practise in Sweden, tho' it may not hitherto have been found practicable in America. We have discoursed with planters, merchants importers, and likewise with the Commissioners of your Majesty's Navy upon præmiums for Naval Stores, who differ very much upon this subject; the planters and merchants importers insist that the præmiums should be upon tar and pitch and turpentine £3 pr. ton and masts, yards and bowsprits £1. The Commissioners of your Majesty's Navy are of opinion, that it will be sufficient to allow, upon pitch and tar £2, turpentine £1 10*s.* 0*d.*, masts, yards and bowsprits 17*s.* 3*d.* What would seem to us reasonable is, that a competent allowance should be made to the planter in consideration of the price of labour and freight in America so far as they exceed the rates paid in the East Country; and the merchants state this account in the following manner vizt., tar made in Finland, pr. barrel, first cost 4*s.*, freight about 4*s.*, leakage 1/6, wharfage *etc.* 1/6, = 11/0. Tar made in the Plantations pr. barrel, first cost 7/*s.*, freight in time of peace 8/*s.*, leakage 1/6, wharfage *etc.* 1/6=18/*s.* By this account the præmium upon tar would be 7/*s.* pr. barrel and the merchants think the same præmium necessary for pitch. But the Commissioners of the Navy are of opinion, the article of freight from the East Country is one shilling undercharged by the merchants, that from the Plantations 6*d.* overcharged; taking therefore the account with this alteration, the præmiums upon pitch and tar would be 5*s*. 6*d*. pr. barrel. As to turpentine very little encouragement will be necessary because no quantities of turpentine are imported from any other place but from your Majesty's Plantations: And therefore we agree with the Commissioners of the Navy in this Article that is to say that a præmium of 30*s*. pr. ton may be allowed upon every ton of turpentine imported from the Plantations, which will be little more than the duty payable upon importation, which amounts to £1 8*s*. 9*d*. The præmium originally upon masts, yards and bowsprits was 20*s*. pr. ton, but there was then a duty of 2*s*. 9*d*. pr. ton payable on their importation, which hath since been taken off; and therefore 17*s*. 3*d*. will now be sufficient encouragement on this head. But the merchants complain that these præmiums have never been regularly paid, that the bills now made out for them are always at a discount, and therefore desire that they may hereafter be made payable in the new course of the Navy, which we think reasonable and might be some recompence for the diminution in the præmiums. In the foregoing computation we have omitted the article of hemp, the præmium on that head being sufficient, and in force for about 13 years to come; as likewise rozin, it not being necessary to give any farther præmium for that commodity, because rozin is made here from turpentine imported from the Plantations. There is another Article of Naval Stores very much wanted, and purchased from our neighbours at a great expence, this Kingdom being annually obliged to import about 20,000 tons of iron from Foreign Countries for the most part bought with ready money: And there have been certain periods of time particularly during our last difference with Sweden when the want of this commodity was found very inconvenient to the publick. Since therefore your Majesty is taking into your Royal consideration the necessary incouragements for importing of Naval Stores in genl. we thought it our duty to mention this among the rest, because there is great plenty of iron ore to be found in your Majesty's Plantations in America, where wood for the furnaces likewise abounds. A Bill formerly passed the House of Commons wherein the incouragement proposed for importing iron in pigs and sows from America was the taking off the duty payable upon the importation of that commodity which amounts to 3*s*./9½*d*. pr. ton; and the same incouragement would in our opinion engage the planters to furnish us with sufficient quantities of iron to supply our manufacturers. These being our sentiments concerning the methods for the preservation of your Majesty's woods, and the encouragement for the importation of Naval Stores from your Majesty's Colonies in America; we have prepared the draught of a bill agreeable thereunto; which we take leave to transmit, together with this our report, that in case our opinion should meet with your Majesty's Royal approbation, no time might be lost in putting your Majesty's commands concerning the same in execution. But as we conceive it is not reasonable that præmiums should be given upon any Naval Stores, but such as are actually employed at home for the service of the British Navigation, we would humbly submit to your Majesty, whether it may not be proper before this Bill be offered to the House of Commons, that a clause should be prepared to provide that upon the re-exportation of Naval Stores which received præmiums, the sd. præmiums or an equivalent for them, should be repaid to the publick. *Annexed,*

118. i. Draught of an Act *for the better and more effectual preservation of H.M. woods in America, and for encouraging the importation of Naval Stores from thence.* [*C.O.* 324, 11. *pp.* 65–97.]

March 20. Jamaica. **119.** Governor Hunter to Mr. Stanyan. The storeship has arrived "in twelve weeks three days from the Downs. She comes in good time for this squadron, wch. wants rigging and stores much. Mr. Hopson with all the squadron except the *Berwick*, and Capt. Anstey's ship, is still on ye coast" *etc.* Our sloops from that coast tell me the galleons are all there (at Cartagena) safe enough tho' not very sound; their cargo at Panama. I can say nothing of our publick affairs till the Assembly has mett, which will fall out to-morrow seven night. All is pretty serene and quiet here at present, except some disturbances from remote places from the wild negroes. Send me your resolution as to Mr. Bowerman's offers in relation to Mr. Coleman's affaire, and some of your spare newspapers. If I could be of any use here to you or any you are concerned for, it would be matter of satisfaction to me *etc.* P.S. My most humble duty to his Grace *etc.* *Signed,* Ro. Hunter. *Endorsed,* Rd. May 31st. *Holograph.* 2 *pp.* [*C.O.* 137, 53. *ff.* 26, 26*v.*, 27*v.*]

March 20. Whitehall. **120.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

120. i. Petition of Majority of Assembly of Barbados to the King. Duplicate of *No.* 6 i. [*C.O.* 28, 39. *Nos.* 42, 42.i; *and* (*without enclosure*) 29, 14. *p.* 439.]

[Mar. 20.] **121.** Proceedings of Court of Chancery, Barbados, May 17, 1727—March 20, 1728. 12 *pp.* [*C.O.* 33, 27. *No.* 10.]

March 20. Whitehall. **122.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed,*

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122. i. *Same* to the King. We humbly lay before your Majesty *enclosed* draught of Instructions for Governor of New Hampshire (No. iv) with some few alterations and our reasons for the same. There being two vacancies in your Majesty's Council of New Hampshire by the death of Mr. Vaughan and Mr. Penhallow, we have inserted the names of Henry Sherburn, and of Saml. Penhallow Esqrs. to supply the said vacancies *etc.* We have added the 30th Article requiring the Assembly to settle upon Mr. Burnet a sallary of £200 pr. annum, in pursuance of your Majesty's Order in Council, 15th Feb. We have omitted the 72nd Article of Collo. Shute's Instructions directing him to endeavour to get a law past for restraining of inhuman severities towards servants and slaves, a law having been passed for that purpose. We have made no other alteration or addition to these draughts, except, what your Majesty has already approved in your Instructions to the Earl of Orkney, Governor of Virginia. *Annexed,*

122. ii. *Same* to *Same. Lay before* H.M. *enclosed* draught of Instructions for Governor of the Massachusets Bay. *Continue :*—We have added the 23rd Article, requiring the Assembly to settle upon Mr. Burnet, a salary of £1000 pr. annum, in pursuance of your Majesty's Order in Council, 15th Feb. We have omitted the 68th Instruction formerly given to Colo. Shute, in relation to the qualification of jurors, it being now provided for, by the laws of that Province. We have left out the latter part of the 44th Instruction, obliging the planters to keep a certain number of white servants ; but there being very few, if any negroes in the Province, we think it more properly omitted. There having been no stores of war sent from the Office of Ordnance here, to the Massachusets Bay for several years past, and the fort at Pemaquid being of no use since the Province of Nova Scotia has been yeilded up to the Crown of Great Britain, we have omitted part of the 58th Instruction in relation thereto. We have altered Colo. Shute's 40th Instruction in relation to the appointment of an Attorney Genl. and expressed Mr. Burnet's 70th upon the same subject in such terms, as may prevent the General Court, from taking upon them to nominate the Attorney Genl. as they have sometimes done, altho' the naming that officer is undoubtedly your Majesty's right. *Concludes as preceding.*

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122. iii. Draught of H.M. Instructions for William Burnet, Governor of the Massachusets Bay, together with Instructions relating particularly to the Acts of Trade and Navigation. St. James, 28th March, 1728.

122. iv. Draught of H.M. Instructions to William Burnet, Governor of New Hampshire, together with Instructions relating particularly to the Acts of Trade and Navigation. St. James's, 28th March, 1728. [*C.O.* 5, 916. *pp.* 62–165.]

March 21. St. James's. **123.** Order of King in Council. Referring to Committee draughts of Governor Burnet's Instructions. *Signed*, Edward Southwell. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1¼ *pp.* [*C.O.* 5, 870. *ff.* 61, 61*v.*, 62*v.*]

March 21. St. James's. **124.** Order of King in Council. Approving report of 7th March, and restoring Samuel Barwick to the Council of Barbados. *Signed*, Edward Southwell. *Endorsed*, Recd., Read 12th April, 1728. 2¼ *pp.* [*C.O.* 28, 19. *ff.* 176–177*v.*]

March 21. **125.** Mr. Meure to [? *Mr. Delafaye*]. *Encloses* application from Lt. General Mathew for H.M. leave of absence for six months *etc.* *Concludes* :—Mr. Mathew writes that the sale of the French lands of St. Christophers is just now compleated. *Signed*, Abraham Meure, of Rose Street in Soho. 2 *pp.* [*C.O.* 152, 43. *ff.* 27, 27*v.*]

March 21. St. James's. **126.** H.M. Warrant granting licence of absence to Thomas Windham, Register of Chancery and Patents in Jamaica, and to exercise his office by deputy, " he having humbly represented to us, that being employed in Our service at home, he cannot without prejudice thereto, as well as to his own private affairs, attend the said office in person " *etc.* *Cf.* 29th Feb., 1728. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 44, 45 ; *and* 324, 50. *pp.* 3, 4.]

March 23. **127.** Governor the Earl of Londonderry to the Council of Trade and Plantations. I take ye liberty to acquaint your Lordships that Collo. Gamble one of the Counsell of Antegoa is dead, and that there is now two vacancys, by which means both Major Thomas and Mr. Carlile might be brought into the Counsell there, if it meets with your Lordships, and the rest of the Lords approbation, *etc.* *Signed*, Londonderry. *Endorsed*, Recd., Read 26th March, 1728. *Holograph.* 1 *p.* [*C.O.* 152, 16. *ff.* 188, 189*v.*]

March 25. St. Christophers. **128.** Lt. General Mathew to the Council of Trade and Plantations. Transmits act of Antego, *for encreasing the salary of the present Agent etc.* *Signed*, William Mathew. *Endorsed*, Recd. 27th May, 1728, Read 28th March, 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 5, 6*v.*]

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March 25. **129.** Petty expences of the Board of Trade from Christmas, 1727 to Lady day, 1728. 6 *pp.* [*C.O.* 388, 79. *Nos.* 18–21.]

[? March 25 ?] **130.** Six Lords Proprietors of Carolina to the Committee of the Privy Council for the Irish bills and affairs of Carolina. Enclose following estimate as directed March 19 (*v.* A.P.C. III. *p.* 174). *Continue* :—For want of a proper Register they cannot offer it as an exact account of their arrears, judging upon a strict enquiry much more will be found due to them. They therefore propose that an additional sum of £5000 be paid to them in quittance of such arrears *etc. as set out,* A.P.C. III. *p.* 176. *Pray that* a time may be fixed for the execution of the surrender and payment of the mony in order to prevent the great damage which a long suspence may occasion to the inhabitants and the Province in general as well as to Memorialists in particular, who would be ready and willing to close with some of the proposals which have been made to them for the better setling the Province, which they would not presume to engage in till H.M. Royal pleasure is known. *Signed,* Beaufort, Craven, Ja. Bertie, Hen. Bertie, J. Colleton, Arch. Hutcheson. *Annexed,*

130. i. Estimate of arrears due to the Proprietors of North and South Carolina. The insurrection in South Carolina which began about 1718 hath not only interrupted all manner of correspondence between the Proptrs. and that province ever since, but also had a considerable influence upon North Carolina; and the Surveyors General having neglected their duty and made no return as they ought to have done, the Proptrs. have no rent roll and consequently are not able to give a full account of their arrears due to them, for which reason they begin their demands only from 1719 inclusive being 9 years arrears which may be computed for both Provinces at least at £800 pr. annum free of all charges in the whole amounting to £7,200. Fines set and collected in Governor Nicholson's time which belong of right to the Proptrs., and they are informed are now or lately were in the hands of Messrs. Godin and Consiliere of S. Carolina, £500. The tenths upon mines proposed to be wrought of which a sample of the oare was sent over, they value at £1000. The tenths reserved upon the whale fishery in North Carolina granted four years ago which according to the account received must have been considerable, valued for the 4 years at £800. N.B. There have been no accounts setled between the Proptrs. and their Receivers for above 10 years before 1719 *etc.* It is judged that if those accounts

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were regularly adjusted, there would be at least £6000 more due to the Proprietors *etc.* About £10,000 sterling per annum is raised in South Carolina by dutys upon land negroes and other commoditys appropriated for defraying the expence of the Government which does not regularly amount to half that sum, so that if it were duly collected, and apply'd it would not only supply what is necessary for the support of the Government but also afford an overplus for the general improvement of the Province. *Account of claims upon the Proprietors :*—To the Crown for the quit-rent reserved by the Charter, about £300 ; To the Secretary for his arrears and disbursements, £1039 7*s.* 1*d.* ; To the Clerks, £165 ; To Sollicitors, Attorneys, Agents *etc.* for 9 years, £620 ; To Judge Trot, salary for two years, £200 ; To Mr. Craven, money advanced for the public service, £200 ; To ditto, a present ordered by the Proptrs. upon his not returning to the Government in consideration of his good services as Governor of S. Carolina in defending the Province and repulsing the Indians, £1000 ; To Mr. Johnson for arrears of salary after the people refused to pay their quit rents, £400 ; To house rent where an office was kept, £400 ; To extraordinary charges and gratifications, £500. *Total,* £4824 7*s.* 1*d.* *Signed as preceding.* [*C.O.* 5, 290. *pp.* 267–272.]

March 27. Whitehall. **131.** Council of Trade and Plantations to the Duke of Newcastle. In obedience to H.M. commands (15th March), we have reconsidered our Representation (27th Feb.) *etc.*, and take leave to inclose the same, in order to its being laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

131. i. *Same* to the King. *Representation upon the Duke of Montagu's petition for a grant of Tobago. In same words as 27th Feb., but with the following passage inserted :*—Were this Island effectually settled, the Revenues of the Crown would be increased by the importation of the product thereof to Great Britain ; the duty paid upon the importation of sugars from Barbados, amounts to abt. £25,000 p. annum, of which £10,000 belongs to your Majesty's Civil List Revenue, and this Island being as large if not larger than Barbados, and capable of the same produce with Barbados, it is not to be doubted but that in a few years, the product of Tobago must yeild a very considerable revenue to your Majesty ; the duty of 4½ p. cent. when this Island is settled, will likewise be a considerable addition to your Majesty's Revenue.

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The French having greater quantities of fresh sugar land than the English; which produce with little or no charge of manure, and giving greater incouragement to all their Plantations in America, particularly by a late edict allowing their planters to carry their sugars directly to foreign markets, they are able to undersell Great Britain in all parts of Europe, for which reason all proper methods should be taken to put your Majtys. subjects upon a more equall footing with the French in this particular, and it is not to be doubted but the planting of sugar canes on the fresh lands in Tobago, will very much contribute to this desirable end. The French are already very powerfull in their sugar Colonies and are daily endeavouring to encrease them by obliging every ship that goes to their Islands, to carry thither a certain number of family's, which will make it the more necessary for your Majesty's service, that all possible encouragement should be given for the settling and planting of Tobago, which will be an additional strength to your Majesty's Colonies in those parts. And altho' the inhabitants of your Majesty's Sugar Islands may apprehend that it is not for their particular advantage, that Tobago should be planted, and have formerly oppos'd it, least this new Plantation should reduce the price of sugars, yet when it shall be duly considered how necessary it is that your Majesty's subjects should go to foreign markets upon equal terms with their neighbours, who as has been already observ'd, do greatly undersell us: it will not be thought reasonable that the interest of the sugar Plantations should stand in competition with that of Great Britain. The settling of this Island will increase the exportation of the product and manufactures of Great Britain and the importation of the product of that Island to Great Britain, as well as the re-exportation of it from hence to foreign countrys, will necessaryly encrease the number of British ships and seamen, to the great benefit of Trade and Navigation of this Kingdom. The situation of Tobago renders it of very great consequence, because most ships going from Europe, or Africa, to the Spanish West Indies, sail in sight of, or near this Island, and it is so situate with respect to Barbados, that should it fall into the hands of any foreign power, they would have the same advantage in case of a rupture, over Barbados, to make invasions thereon, as the French from Martinique had in the late war, against St. Christophers, Nevis and Montserrat; the windward situation

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of this Island with respect to Barbados being pretty near the same with that of Martinique with respect to your Majesty's Leeward Islands. *Continues as* 27th Feb. [*C.O.* 29, 14. *pp.* 440–447; *and* (*covering letter only*) 285, 2. *No.* 7.]

March 27. St. James's. **132.** H.M. Warrant restoring Samuel Barwick to his place in the Council of Barbados, he having now rendered his accompts *etc. cf.* 19th Jan. 1719. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 46, 47.]

March 28. St. James's. **133.** Order of King in Council. Whereas H.M. in Councill was this day pleased to order, for the better preservation of the woods in North America, that the Lords Commissioners of His Treasury, should give directions to the Surveyor of H.M. woods to reside constantly in some of H.M. Plantations on the Continent, and to proceed without loss of time to Nova Scotia, and lay out such tracts of land there, as shall appear most proper for producing masts and other timber for the use of the Royal Navy, not amounting to less than 200,000 acres; and that they should appoint two or more Deputys, conversant in the use and value of timber, being ship-carpenters by profession, with competent salarys, to assist the said Surveyor in the execution of his duty, and whereas H.M. judges it necessary, that the Governors of all the Plantations on the Continent of North America, should be aiding and assisting to the said Surveyor and his Deputys, [*He*] is hereby pleased to order, that the Lords Commissioners for Trade and Plantations do forthwith prepare a draught of Instructions, proper to be sent to the said Governors for that purpose, and present the same to His Majesty at this Board for his royall approbation. *Signed,* Edward Southwell. *Endorsed,* Recd. 1st, Read 2nd April, 1728. 1¾ *pp.* [*C.O.* 323, 8. *No.* 87.]

March 28. St. James's. **134.** Order of King in Council. Described in preceding. *Signed,* Edward Southwell. *Endorsed,* Recd. 15th Aug., Read 20th Nov., 1728. *Copy.* 2½ *pp.* [*C.O.* 323, 8. *No.* 97, *pp.* 1–3.]

March 28. St. James's. **135.** Order of King in Council. Approving draughts of Instructions for Governor Burnet. *Signed,* Edward Southwell. *Endorsed,* Recd. 29th, Read 30th April, 1728. 2 *pp.* [*C.O.* 5, 870. *ff.* 63, 63*v.*, 64*v.*; *and* 5, 194. *f.* 138 *a, b.*]

March 28. St. James's. **136.** Copy of above Instructions. [*C.O.* 5, 194. *ff.* 139–277.]

[Mar. 28.] **137.** Copy of Governor Burnet's instructions relating to his salary. 2½ *pp.* [*C.O.* 5, 10. *Nos.* 20 *and* 185.]

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March 29.
Whitehall.

138. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts to Lady day of Office incidental charges and request payment thereof and of officers' salaries. Account annexed. [*C.O.* 389, 37. *pp.* 288, 289.]

March 29.
Whitehall.

139. Council of Trade and Plantations to the Duke of Newcastle. Enclose following, in reply to 16th Nov., 1724, *q.v.* *Autograph signatures.* 1 *p.* *Enclosed,*

139. i. *Same* to the King. *Quote* Governor Hart's reply as to the runaway negroes of Mr. Garret of Guadeloupe *etc.* *Represent* that Mr. Garret has not so much reason to complain, considering that he may have redress, by due course of law, for any wrong sustained. But if the French Governor of Marygalante will make restitution to Mr. Molineux, of those negroes which have been unjustly detain'd from him, we would likewise humbly propose that your Majty's Governor of the Leeward Islands may be directed to restore to Mr. Garret so many negroes as he can prove a title to. [*C.O.* 152, 40. *Nos.* 23, 23.i ; *and* 153, 14. *pp.* 317–320.]

March 30.
Whitehall.

140. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, two Acts of Barbados (i) for laying a duty upon wines *etc.*, and (ii) *to prevent the carrying off of negro slaves etc.* ; and two bills passed by the Assembly, 1727 (i) *to ascertain the elections, powers and proceedings of church-wardens etc.*, and (ii) *to exclude members of the Assembly from certain offices etc.* [*C.O.* 29, 14. *pp.* 448, 449.]

March 30.
St. James's.

141. H.M. license of absence for Lt. General Mathew for six months upon his urgent occasions. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 54 ; *and* 324, 50. *pp.* 37, 38.]

April 3.

142. Lord Craven to the Duke of Newcastle. I am forc'd (now the gout has taken possession of me) to inform you by this letter *etc.* that as I and the rest of the Proprietors have agreed to part with our interest in Carolina, upon such terms, as H.M. has been pleas'd to accept, and such as we thought most conducive to the benefit of the publick in general, and the interest of that Province in particular ; so we continue our hearty desires, and shall endeavour, yt. that Colony may flourish, and be of most benefit to the Kingdom of Great Britain ; In order to this we earnestly desire that your Grace will be pleas'd to recommend Col. Horsey to H.M. to be the Governour, who in our opinion is a person the most proper

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and fit for the execution of that trust, and to settle and quiet the troubles, and extream great difficulties and disorders that the Colony is now under; He does not want to make a fortune there; nor will he go with any such view; and we are confident by the information we have receiv'd from thence, he will be the most acceptable person to the inhabitants H.M. can send; We each of us design to take up such tracts of land, and upon such terms as H.M. shall be pleas'd to grant 'em to us; so yt. each of us may be as serviceable as we can in the setling and peopling of the country. But we can't concern ourselves, if Mr. Johnson (who was our former Governour) is sent to command there, of whose conduct and disability we have had such wofull experience; I therefore once more intreat your Grace to use your interest in Col. Horsey's favour, who has been so very instrumental in procuring this surrender, and is the only person we know, yt. is capable to settle the quiet and repose of that Colony. *Signed*, Craven. 3½ *pp.* [*C.O.* 5, 387. *No.* 79.]

April 4.
London.

143. Commodore St. Lo to Mr. Popple. Encloses following. *Signed*, John St. Lo. *Endorsed*, Recd., Read 5th April, 1728. *Addressed.* ½ *p. Enclosed*,

143. i. Remarks on the Fishery of Placentia. If the houses and beaches belonging thereto were restored to the fishermen and planters, who have been obliged to leave, it would mean an increase of fish caught resulting in an increase of £30,000 to H.M. Revenue *etc.* 1 *p.* [*C.O.* 194, 8. *ff.* 167, 168, 170*v.*]

April 4.
St. James's.

144. Order of King in Council. Whereas H.M. was pleased by his Order in Council of 15th June, 1727, to declare his royal pleasure, that in all the prayers, litanies and collects for the Royall Family, instead of the words [H.R.H. George Prince of Wales, the Princess and their issue and all the Royal Family] there should be inserted [Our Gracious Queen Caroline, the Royal issue, and the rest of the Royal Family], *orders* that the Lords Commissioners for Trade and Plantations prepare draughts of Instructions *signifying the same* proper to be sent to all the Governors of H.M. Plantations in America. *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 10th April, 1728. 1⅓rd *pp. Enclosed*,

144. i. Order of King in Council, 15 June, 1727, referred to in preceding. *Printed.* 1 *p.* [*C.O.* 323, 8. *Nos.* 88, 88. i.]

April 5.

145. List of Carolina papers. *Endorsed*, Recd. from Mr. Wrag. Read 5th April, 1728. 1 *p.* [*C.O.* 5, 360. *ff.* 32, 33*v.*]

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[April 5.] **146.** Accounts of the Treasurer of S. Carolina with report of the Committee of Public accounts thereon. Nov. 23, 1725. *Signed,* James Kinloch, Benja. De la Conseillere. *Endorsed,* Recd. (from Mr. Wrag) 6th July, Read 28th Sept., 1727. 8¾ *pp.* [*C.O.* 5, 360. *ff.* 34*v.*–38*v.*, 40*v.*]

[April 5.] **147.** Petition of inhabitants of the parishes of St. Paul and St. Bartholomew to the Assembly of S. Carolina. Welcome the summoning of Assembly,in accordance with their repeated requests, and pray that the Currency may be regulated, the Habeas Corpus Act observed and other abuses remedied etc. 87 *signatures. Endorsed,* Recd. (from Mr. Wrag), Read 5th April, 1728. *Copy.* 4½ *pp.* [*C.O.* 5, 360. *ff.* 41, 42, 43, 44, 45, 45*v.*]

[April 5.] **148.** Similar petition from inhabitants of the parish of St. Thomas and St. Dennis. 46 *signatures. Endorsed as preceding. Copy.* 4½ *pp.* [*C.O.* 5, 360. *ff.* 46, 47, 48, 49, 50, 50*v.*]

[April 5.] **149.** Similar petition from inhabitants of Christ Church parish. 39 *signatures. Endorsed as preceding. Copy.* 4 *pp.* [*C.O.* 5, 360. *ff.* 51–52*v.*]

[April 5.] **150.** Memorial of Landgrave Thomas Smith to the Assembly of S. Carolina. Complains that on 11th June, 1727, he was arrested and committed on a charge of high treason in endeavouring to raise an insurrection, and in spite of his application for a writ of Habeas corpus, remains in prison without trial, owing to the action of Thomas Hepworth the late Chief Justice. Petitioner is one of the oldest setlers, and has spent 25 years in the Council and Assembly serving the public at his own charge *etc. Prays that* he may be declared within the benefit of the Habeas Corpus Act *etc. Signed,* Thomas Smith. *Endorsed as preceding. Copy.* 2⅓ *pp.* [*C.O.* 5, 360. *ff.* 53, 54, 55, 55*v.*]

[April 5.] **151.** Petition of the inhabitants of the parish of St. James Santee to the Assembly of S. Carolina. Petition for the regulation of the currency and other abuses. Ask that the right of H.M. subjects to petition the Governor and Council to call the General Assembly may be asserted, and that those who denounce them as factious and seditious and imprison them for doing so are betrayers of the rights and liberties of the subjects of England. 30 *signatures. Same endorsement. Copy.* 3½ *pp.* [*C.O.* 5, 360. *ff.* 56–57*v.*]

[April 5.] **152.** Similar petition from inhabitants of parish of St. Johns. 52 *signatures. Same endorsement. Copy.* 4 *pp.* [*C.O.* 5, 360. *ff.* 58–59*v.*]

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[April 5.] **153.** Minutes of Council and Assembly of S. Carolina, Oct. 31, 1727, concerning the Proclamation of King George II. *Same endorsement. Copy.* 2 *pp.* [*C.O.* 5, 360. *ff.* 60, 61, 61*v.*]

April 5. Whitehall. **154.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to continue Henry Worsley Esq. in the employment of Governor of Barbados in America, *you are to* prepare draughts of a Commission and Instructions for him *etc. Signed,* Holles Newcastle. *Endorsed,* Recd. 5th, Read 9th April, 1728. ½ *p.* [*C.O.* 28, 19. *ff.* 174, 175*v.*]

April 5. Whitehall. **155.** Council of Trade and Plantations to the King. *Refer to* representation of 16th March, 1727, proposing recall of Lt. Govr. Gledhill. *Continue:*—Since this, we have had under our consideration several letters from Capt. St. Lo *etc.*, and discoursed with him since his return home. We find that Col. Gledhill still continues to interrupt and disturb the Fishery at Placentia, by obliging the fishermen to pay him certain sums of money for the Beach they possess, in direct opposition to the Act *for encouraging the trade to Newfoundland,* whereby all your Majesty's subjects have liberty freely to trade and fish at Newfoundland and the parts adjacent, to go ashore, to cure fish and make oyl, cut wood, and do whatever else may be useful in the fishing trade, without any hindrance *etc.* This proceeding of Col. Gledhill is *also* a manifest breach of your Majesty's Instructions, whereby neither he nor any of the Garrison of Placentia are to concern themselves in the Fishery *etc.* As we have receiv'd several complaints of this nature against Col. Gledhill, to which he has never yet given us any satisfactory answer, and as we find that he still continues to disturb the Fishery notwithstanding the aforesaid Act of Parliament and your Majesty's Instructions, we take leave to represent our humble opinion, that it will be for your Majesty's service that he be immediately remov'd from his imployment. [*C.O.* 195, 7. *pp.* 152–154.]

April 5. Whitehall. **156.** Council of Trade and Plantations to the King. In obedience to Order of 28th March, enclose following *etc.* *Annexed,*

156. i. Draught of Additional Instruction to the Governors of New York, New Jersey, New Hampshire, the Massachusets Bay, Rhode Island and Connecticut, to be aiding and assisting to the Surveyor General of the Woods or his Deputies *etc.* in preventing the destruction of H.M. woods, or in punishing such as shall be found offending therein *etc.* *Printed,* Conn. Hist. Soc. Coll. IV. 118. [*C.O.* 324, 11. *pp.* 97–99.]

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April 5.
Whitehall.

157. Mr. Popple to Mr. Fane. Encloses, for his opinion thereon in point of law, 3 Acts of St. Kitts, 1727. (i) *for regulating vestries and erecting into parishes those parts of this island formerly belonging to the French, and repealing two former acts for regulating vestries and parishes etc.* (ii) *to enable the several parts of this island formerly belonging to the French to choose and send Representatives to serve in the Assemblies, to declare and ascertain the number of Representatives for the whole island, what number each parish shall elect, and the several qualifications of the electors and candidates, to secure the freedom of elections, and for repealing the Act for preserving the freedom of elections,* 1711, *etc.* (iii) An Act *repealing an Act for settling* £2000 *per annum upon Governor Hart etc., and for appropriating the monys payable thereby to his said Excellency from* 25*th June,* 1727, *and for declaring in what specie the duty commonly called the three shilling duty shall be hereafter paid.* [*C.O.* 153, 14. *pp.* 321–323.]

April 5.
Whitehall.

158. *Same* to Edward Warner. My Lords Commissioners observing that you have been some time absent *from the Council* of St. Kitts, desire you will let them know on Tuesday morning, whether and when you will return *etc. Similar letter to* Archibald Cockran and John Yeamans, Councillors of Antigua. [*C.O.* 153, 14. *p.* 324.]

[April 6.]

159. (*a*) Proclamation of King George II. Nevis, Sept. 26, 1727. *Signed,* by the Lt. Governor, Council, Assembly and inhabitants. 67 *signatures. Endorsed,* Recd. 6th April (from Mr. Jno. Sharpe), Read 20th June, 1728. 1 *p.*

(*b*) Christenings and burials in the parish of S. Paul, Nevis, Michaelmas, 1726–1727. *Totals* :—Baptisms, 8 ; burials, 12. *Signed,* Robert Robertson, Minister. 1 *p. Endorsed,* Recd. 6th April (from Mr. Jno. Sharpe). 1 *p.*

(*c*) Account of negroes imported, Nevis, 25th March, 1727. One shipload of 35, of which 12 were sold and the rest exported. Average price £27 3*s.* 6*d. Endorsed as preceding.* ½ *p.*

(*d*) Annual public charges of Nevis. *Total* :—£360. *Signed,* William Mathew. 1 *p.*

(*e*) Account of licences issued in Nevis (8). Oct. 10, 1727. *Signed,* Edwd. Bridgwater, Treasr. 1 *p.*

(*f*) Account of arrears received due to the public. *Signed and dated as preceding.* 1 *p.*

(*g*) Account of tonnage of 3*d.* upon vessels (7). *Total* :—£6 1*s.* 10½*d. Signed and dated as preceding.* 1 *p.*

(*h*) Account of disbursements since June 1st, 1727. *Total* :—£234 8*s.* 0¾*d. Same date and signature.* 1 *p.*

(*i*) Receipts from public levy, June 1st–Oct. 10th, 1727. *Total* :—£163 10*s.* 6½*d. Same signature and date.* 1 *p.*

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(*j*) Receipts from public levy in 1725. *Total*:—£102 13*s*. 9¾*d*. *Same signature and date*. 1 *p*.

(*k*) Account of duty upon liquors, 1st June—Oct. 10th, 1727. *Total*:—£62 5*s*. 10*d*. *Same date and signature*. ¾ *p*.

(*l*) Account of charges on account of the forts. *Total*:—£102 1*s*. 3*d*. *Same date and signature*. 1¼ *pp*.

(*m*) Account of charges for the prison and stocks. *Total*:—£6 17*s*. 9*d*. *Same date and signature*. ½ *p*.

(*n*) Account of military salaries (montrosses *etc*.), 25th June—10th Oct., 1727. *Total*:—£100. *Same date and signature*. 1 *p*.

(*o*) State of Publick of Nevis its accompts, 1st June—10th Oct., 1727. *Totals*:—Expenditure, £517 17*s*. 0*d*.; Receipts, £487 6*s*. 8*d*. *Same date and signature*. *Endorsed*, Recd. 6th April, 1728 (from Mr. Sharpe). 2 *pp*.

(*p*) Account of Ordnance and stores in the magazine and forts at Nevis, 3rd Oct., 1727. *Signed*, John Richardson, Gunner, W. Hopkey, Capt. and Gunner. *Endorsed as preceding*. 1 *large p*. [*C.O*. 152, 16. *ff*. 340–343, 344, 345, 346, 347, 348, 349, 350, 351–352, 353, 354*v*.–356*v*.]

April 9. **160.** Edward Warner to the Council of Trade and Plantations. *Reply to* April 5. After residing at Antigua 13 or 14 years was obliged (with Governor Hart's licence for a year) to come over for the mending a shattered constitution and for the education of a young family, as well as to settle some affairs, which absolutely required his personal attendance. Hopes that fourteen months or so will complete his business and health and enable him to return. *Asks the* Board to intercede for H.M. licence of leave for two years longer *etc*. *Signed*, Edward Warner. *Endorsed*, Recd., Read 9th April, 1728. 2 *pp*. [*C.O*. 152, 16. *ff*. 312, 313, 313*v*.]

April 9. Barbados. **161.** Governor Worsley to the Duke of Newcastle. *Refers to letter* of 13th Jan. *Continues*:—Not having received H.M. commands upon their past conduct, I again prorogued *the Assembly* to the 30th instant, and do design to prorogue them further. In June next they must of course be dissolved, in that there may be sufficient time for the election of a new Assembly, and afterwards for their passing a new Excise bill before the present Act expires, which will be the beginning of August next. As I had the honour to advise your Grace that I had ordered the several officers to lay a list of their fees before me in Council, I have now transmitted the greatest part of them in the Minutes of Council, which accompany this. After I had ordered them to be read in Council, I appointed a Committee of the whole Council, or any five of them to inspect and examine into them, and to have recourse to all papers and books in the several offices, and to summon the said officers before them to examine into the premisses, and to lay the list of fees now hanging up in the said offices before them and that copys of the same should be returned to me together with the said Committees proceeding thereon. Collo. Montgomery who arrived here the 23rd of January, departed the 23rd past for his Government, having been forced by bad weather off the coast of New York, the man of war was obliged to bear away for this Island in order to be refitted. Thomas Maxwell Esqr. one of H.M. Council lately dyed here. *Signed*, Henry Worsley. *Endorsed*, Rd. June 4th. 3 *pp.* [*C.O.* 28, 44. *No.* 119.]

April 9.
Barbados.

162. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Concludes* :—'Tis but lately I had the honour of receiving your Lordps' letter of 31st Aug. in relation to the Minutes and Acts not being abstracted in the margins. I have ordered the officers to take particular care to do it for the future. P.S. This goes by the *Maxwell* galley *etc.* *Signed*, Henry Worsley. *Endorsed*, Recd. 3rd, Read 19th June, 1728. 3 *pp.* [*C.O.* 28, 19. *ff.* 190–191*v.*]

April 10.
Whitehall.

163. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed*,

163. i. *Same* to the King. *Reply to* 31st Jan., 1727, upon address of Assembly of St. Kitts relating to Lt. General Mathew's accounting for money appropriated for erecting a fortification. *Continue* :—We wrote to Lt. Gen. Mathew *etc.* and have now received his answer to the said complaint, as also an Address from the present Assembly to him, wherein they take notice "that all his receipts and disbursements on the aforementioned acct. were kept with a more perfect exactness than it was reasonable to expect, since every single article was proved to be paid and expended for the publick use." And since by this it appears that the cause of that Assembly's complaint is intirely removed, we will not trouble your Majesty with a long state of what was offered on each side, but only beg leave to annex a copy of the last mentioned Address. *Autograph signatures.* 2½ *pp.*

163. ii. Copy of Address of Assembly of St. Kitts. *v.* Jan. 31, 1727. [*C.O.* 239, 1. *Nos.* 38, 38 i, ii ; *and* (*without* encl. ii) 153, 14. *pp.* 326, 327.]

April 11.
Whitehall.

164. Mr. Popple to William Gerrish. My Lords Commissioners observing that you have been some time absent from the Council of Montserrat *etc.*, desire you will let them know, by the bearer, or before 10 of the clock to-morrow morning, whether you intend to return ; and if you do intend it, how soon. [*C.O.* 153, 14. *p.* 327.]

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April 11.
St. James's.

165. Order of King in Council. Referring following to the Council of Trade and Plantations for their immediate consideration and report. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read 16th April, 1728. $1\frac{1}{2}$ *pp.* *Enclosed*,

165. i. Petition of Governor Hart to the King. Prays for repeal of an Act of St. Christophers *for repealing an Act for settling* £2000 *upon Governor Hart etc.*, which received the Royal assent. Lt. General Mathew acted not only contrary to his Instructions in passing such a law without a clause to suspend its execution until H.M. pleasure should be known, but also in contempt of H.M. authority and in derogation of H.M. prerogative. This Act was brought into the Assembly, read and past there, brought into the Councill read and past there, and assented to by Lt. Genl. Mathew in less than three hours of one day, 19th Dec., in breach of the constitution of St. Christophers and orders of Assembly *etc.* 10 *pp.* [*C.O.* 152, 16. *ff.* 314, 315–319*v.*, 321*v.*]

April 12.
Admiralty Office.

166. Mr. Burchett to Mr. Popple. My Lords Commissioners of the Admiralty having appointed three of H.M. ships for this year's service at Newfoundland, under the command of Lord Vere Beauclerke, who goes to St. Johns in the *Kinsale*, with the *Squirrel;* as Capt. Henry Reddish, in the *Experiment*, is design'd for Placentia, and Canso, *etc. requests* Instructions and Heads of Enquiry as usual. *Signed*, J. Burchett. *Endorsed*, Recd., Read 16th April, 1728. *Addressed.* $\frac{3}{4}$ *p.* [*C.O.* 194, 8. *ff.* 171, 172*v.*]

April 12.
Whitehall.

167. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*,

167. i. *Same* to the King. *Enclose* Instructions for Governor Lord Londonderry. *Refer to* a clause relating to the position of the Lt. General of the Leeward Islands in the several Councils. This passage together with the clause referred to was cancelled. *Have inserted* names of new Councillors, (*a*) Thomas Butler and Daniel Smith to supply vacancies in Nevis (*b*) James Milliken in place of Pym Burt, for St. Kitts, the latter being omitted as being already of the Council of Nevis, (*c*) John Roberts, William Lyddel and John Bramley for vacancies in Montserrat, (*d*) George Thomas and Francis Carlisle to supply vacancies in Antigua. The 33rd Article, relating to an additional salary, is made conformable to the Order in Council, 15th Feb. last. *Conclude:*—We have made no other alteration or addition except what your Majesty has approved in Instructions to other Governors *etc.*, except the

leaving out the name of Sherrif in the 11th and 42nd Articles, the duty of that place being done by the Provost Marshal and his Deputies. *Annexed,*

167. ii. H.M. Instructions for Governor Lord Londonderry, *as described in preceding.* [*C.O.* 153, 14. *pp.* 328–400.]

April 12. Whitehall. **168.** Council of Trade and Plantations to Governor Worsley. *Acknowledge* letters of 16th and 26th Oct., 21st Nov., 4th Dec. and 13th Jan. last. *Continue*:—In your letter of 16th Oct. you take notice that you had receiv'd no order for altering the form of prayers for the Royal Family, but as we have now receiv'd directions to prepare a proper Instruction for that purpose, you will shortly receive the same. We take notice of another paragraph in your said letter, that the Assembly of Barbados have assum'd to themselves, a power not only of adjourning, but also of adjourning from place to place; As we think this a power to which they have no manner of title, we shall report this case to H.M., that you may receive a proper Instruction for preventing the same for the future. We have consider'd the Minutes of the Assembly of the 5th Oct., to which you refer'd us, for a motion made by Gelasius McMahone Esq. and seconded by Thomas Maycock Esq. for the Assembly to appoint a Committee to examine into the reasons why the publick Court house and goal, for the building of which an Act had been passed for raising a levy two years ago, was not yet begun; upon this occasion, altho' we think it would have been decent for the Assembly to have apply'd to you for the proper orders in this affair, yet we are of opinion that the Assembly have an undoubted right to enquire into the execution of those laws whereby money is raised for public uses. We observe by your letter of 4th Dec., that the Assembly have addressed you for an accot. of Patent Officers' fees, as also for a copy of the report which the Judges and Attorney General made upon a complaint against the Deputy Provost Marshal, and that you have order'd the several officers to lay before you in Council, a list of their respective fees; tho' the Members of the Assembly, as private men, may have recourse to the several offices for an account of the said fees, yet we think that regard ought to be paid to Assembly's Address, and an acct. of ye said fees laid before them, more especially since if any complaint of exaction should want redress, no law can be brot. into the Assembly for that purpose, without ye assistance of such lists, and other proper papers, or records, to shew what fees are reasonable, and legal, and what not. We have sent to Mr. Fane the Acts and bills you enclosed *etc.* (*v.* 30*th March*). We shall lay before H.M. the bill to *ascertain the elections of churchwardens etc.*, that you may know H.M. pleasure concerning the same. We take this opportunity of congratulating you upon your being reappointed Governor of Barbados. P.S. *April 17th.* We can't omit this opportunity, of acquainting you, with an account we have had from Barbados, by which it appears that the French at St. Vincents do raise and export great quantities of corn, and that Barbados has of late been supply'd with several sloop-loads thereof. We are likewise informed that a French man of war was expected from Martinique, to seize what English sloops should be found at St. Vincents, or to know by what authority they cut timber there. As we have received no information of this nature from you, we would hope the above accounts are not true, nevertheless we desire, you will send us a state of this matter by the first conveyance. [*C.O.* 29, 14. *pp.* 450–453.]

April 12. Whitehall. **169.** Council of Trade and Plantations to the King. In obedience to Order of 4th April, enclose following. *Annexed,*

169. i. Draught of Additional Instructions to Governors of Plantations, relating to alterations in the Prayers for the Royal Family. *Printed,* Penn. Archives, 1st Ser. I, 228. [*C.O.* 324, 11. *pp.* 100–102.]

April 17. **170.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of St. Christophers *to repeal Act settling* £2000 *upon Governor Hart etc.* It is plainly passed in derogation to the prerogative of the Crown, it being indisputably clear that when the Crown has confirmed a law passed in the Plantation the Assembly there have no further power over that law but are obliged to see the same carried into due execution until H.M. shall be pleased to allow and permit a repealer thereof whereas in this Act the Legislature of St. Christophers have assumed an absolute power over the prerogative by repealing in positive and express termes the Act of the Crown without any clause being inserted therein to suspend the execution thereof until H.M. pleasure should be known concerning the same, and without which clause I conceive the Commander in Chief was not warranted in passing it *etc. Concludes:*—Upon the whole, I am humbly of opinion that this Act is derogatory to the Prerogative of the Crown injurious to the property of the subject against law and highly unreasonable in its self and as such that H.M. may be very properly advised to repeal the same. *Signed,* Fran. Fane. *Endorsed,* Recd., Read 17th April, 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 322, 323*v.*]

April 17. Whitehall. **171.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following, to be laid before the King *Prefixed,*

171. i. *Same* to the King. Enclose following. We are preparing the necessary Instructions *etc.*

171. ii. Draught of Commission for Henry Worsley to be Governor of Barbados. In the usual terms. [*C.O.* 29, 15. *pp.* 1–21.]

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172. *Same* to the King. *In reply to* April 11th, we have considered Col. Hart's petition and consulted Mr. Fane upon the Act of St. Xtophers complained of *etc.* *Conclude*:—We conceive the said Act to be derogatory to the Prerogative of the Crown, injurious to the property of the subject, against law, and highly unreasonable in itself, and in direct opposition to your Majesty's Royal Instructions whereby the Govr. is directed not to give his consent to any Act that shall repeal any other that has had the Royal assent, without having first transmitted the draught thereof for your Majesty's approbation, unless he take care there be a clause inserted therein, suspending the execution thereof until your Majesty shall please to confirm the same. *Propose* H.M. disallowance of said Act. [*C.O.* 153, 14. *pp.* 401, 402.]

April 17.
Whitehall.

173. Mr. Popple to Mr. Burchett. Encloses Heads of Enquiry for the Commodore of the Newfoundland Convoy. *Same as those for* 1725. *v.* C.S.P. April 21st, 1725. [*C.O.* 195, 7. *pp.* 154, 155.]

April
17–27.
Williamsburgh.

174. (*a*) Proclamation by Lt. Gov. Gooch prohibiting the entertainment of sailors belonging to H.M. ships of war in Virginia, and preventing the desertion of such sailors. April 17, 1728. *Signed*, William Gooch. *Copy.* 1¼ *pp.*

(*b*) Proclamation prohibiting the exportation of grain, flower and meal, owing to scarcity *etc.* April 27th, 1728. *Signed*, William Gooch. *Copy.* 1 *p.*

(*c*) Proclamation appointing a day of fasting and humiliation on 17th May, and requiring Ministers to preach sermons suitable to the occasion;—the occasion being that "It hath pleased Almighty God in a very surprizing and unusual manner to overspread this Dominion with vast multitudes of catterpillars which threaten destruction to the fruits of the earth and which we have just cause to fear are brought upon us as a punishment for our many sins and impiety and forasmuch as a sincere and unfeigned repentance with a speedy application to the Throne of Grace will be the surest means to avert the impending judgment," *etc.* *Signed*, William Gooch. *Copy.* ¾ *p.* [*C.O.* 5, 1344. *No.* 5.]

April 18.
St. James's.

175. Order of King in Council. Approving Governor Worsley's Commission. *Signed*, Ja. Vernon. *Endorsed*, Recd. 29th, Read 30th April, 1728. 1 *p.* [*C.O.* 28, 19. *ff.* 178, 179*v.*; *and* 5, 194. *f.* 282*a.*]

April 18.
St. James's.

176. Order of King in Council. Approving drafts of Instructions for Governor the Earl of Londonderry and appointing Councillors as recommended. *Signed*, Ja. Vernon. *Endorsed*, Recd. 29th, Read 30th April, 1728. 2 *pp.* [*C.O.* 152, 16. *ff.* 338, 338*v.*, 339*v.*; *and* 5, 194. *ff.* 27, 27*v.*]

1728.
April 18.
St. James's.

177. Copy of preceding Instructions. [*C.O.* 5, 194. *ff.* 29–111.]

April 22.
St. James's.

178. Copy of warrant for Governor Worsley's Commission. [*C.O.* 5, 194. *ff.* 283–301.]

April 24.
Port Royal.
Jamaica.

179. Mr. Donovan to the Duke of Newcastle. *Complains* of Act passed this session relating to rum. As agent to the Contractor for victualling the Navy, found on his arrival a general complaint among H.M. ships for want of rum, " which being so scarce in Admiral Hosier's time was thought to occasion so much sickness, his being obliged several times to quit the coast, and thereby give opportunity to the Spaniards " to make their escape from Carthagena *etc.* The general price of rum for some years past has been from fifteen pence to 2*s.* pr. gallon *etc.* " The late Contractor through the hardships the Island impossed upon him by their monopolies and keeping their rum from market threw up his contract at the very juncture Admiral Hosier lay off Porto Bell which might have been of ill consequence *etc.*, had not the present contractors offered themselves, and notwithstanding they had half a crown pr. gallon, yet I have been obliged to pay from four shillings to a crown for above 10,000 gallons, and could not get sufficient for the Squadron at that or any other price, neither is it possible considering the vent to the Bay, to the northward and home that they could do it ; therefore it seems to me ridiculous they should offer to impose any hardships on the Squadron that protects 'em and without whom they could not be secure of a morcell of bread " *etc.* *Prays that* an exception be made in the Revenue bill for the rum that comes for the use of the Squadron, " for its plain its struck at them and no other " *etc.* By sending some rum from Barbados, which has answered all the occasions of the Squadron, he has incurred the displeasure of the gentlemen here. *Asks for* a Privy Seal or anything of the like nature to rid him of their malice. The later part of the Act is entirely calculated against the Navy and no other. *Signed,* Tim. Donovan. *Endorsed,* Rd. July 19. *Addressed. Seal.* " On His Majesty's Service." 1 *p.* *Enclosed,*

179. i. Answers of Timothy Donovan to the complaints exhibited against him and Nicholas Garland by Alexander Henderson, Attorney General, Nov. 1727. Relating to the Contractors' importing rum from Barbados *as above. Copy.* 2¼ *pp.*

179. ii. Correspondence between Commodores Hosier and St. Lo and Mr. Donovan relating to supplies of rum *etc.* July 15th—Dec. 12th, 1727. *Copies.* 3 *pp.*

179. iii. *The Weekly Jamaica Courant.* April 24, 1728. Publishing provisions of the Revenue Act. *Printed.* 4 *pp.*

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179. iv. Duplicate of covering letter. *Endorsed*, R. 23rd July.

179. v., vi. Duplicates of *Nos.* i, ii. [*C.O.* 137, 53. *ff.* 28, 29*v.*–33, 34–36, 37*v.*–41*v.*]

April 27. **180.** Act of New Hampshire for limiting duration of Assemblies to three years *etc. Copy*; certified by Theodore Atkinson, Secry. 2½ *pp.* [*C.O.* 5, 931. *No.* 16.]

April 28. Antigua. **181.** Wavell Smith to the Council of Trade and Plantations. Offers objections to the Act of St. Christophers for *ascertaining the numbers of Assemblymen etc. and repealing the Act of* 1711 *for preserving the freedom of elections etc.* (*v.* Dec. 26th). (i) It takes away from the King's Secretary and other officers known rights and privileges, and puts them on a worse foot than such officers were ever in their mother-country *etc.* (ii) This is manifestly designed to cut off whatever influence their posts may give them to the support of H.M. Governor *etc.*, and will be introductive of many more notions and schemes of independency than are already conceived, unless by the rejection of this bill the people are taught how vain and fruitless all attempts of that kind must in the end prove. (iii) The propertys of H.M. Officers are not safe under a law, that gives so great a latitude to people in generall, especially to the looser part to commence and easily effect their prosecutions against them *etc.* (iv) It compliments the Assembly with the participation in the prerogative of the Crown of issuing out writs to choose Assemblymen, which prerogative the Crown has solely exercised in these parts since they have been under Government *etc. Signed*, Wavll. Smith. *Endorsed*, Recd. 17th June, 1728, Read 28th March, 1729. *Addressed.* 2 *large pp.* [*C.O.* 152, 17. *ff.* 29–30*v.*]

May 1. Whitehall. **182.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, eight Acts of New York, 1727, (*enumerated*). [*C.O.* 5, 1125. *pp.* 115–117.]

May 3. Whitehall. **183.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*,

183. i. *Same* to the King. Enclose draught of H.M. Instructions to Lt. Governor John Pitt. (*cf.* 12th Oct. 1727.) *Continues*:—There being two vacancies in your Majesty's Council of the Bermuda Islands, by the suspension of Mr. Outerbridge and Mr. Parsons being settled in this Kingdom, we have inserted the names of Samuel Butterfield and Leond. White Esqrs. The 29th Article impowering Capt. Pitt to accept of an Additional salary is made conformable to your Majesty's directions for that purpose *etc.* (14th Nov.). We have inserted the 97th Article

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directing an alteration to be made in the prayers, litanies and collects for the Royal Family pursuant to your Majesty's order in Council, 4th April. We have made no other alteration or addition to these draughts than what your Majesty has already approv'd in your Instructions to those Governors whom your Majesty has already sent to other of your Plantations in America, except the leaving out the name of Sherrif in the 37 and 87 Articles, the duty of that place being done by the Provost Marshal.

183. ii. H.M. Instructions to Lt. Governor Pitt. *v. preceding.* [*C.O.* 38, 8. *pp.* 67–144.]

May 3. Edenton. **184.** Lt. Governor Sir Richard Everard to the Council of Trade and Plantations. *Abstract.* Has proclaimed H.M. "The utmost demonstrations of joy was shewn by all people and the night concluded with a compleat illumination and bonfires and drinking H.M. health" *etc.* The bounty on pitch and tar being off, the Province has no trade to depend on but its beef and pork, which is brought up by the Virginians and driven alive there, so that their navigation is entirely lost and the Virginians bring in neither mollosses, suger nor rum, "wch. are the chief supports of this Province" *etc.* *Complains* of the violent and arbitrary proceedings of the Judge of the Admiralty. He, the Governor, has interfered on behalf of a master of a vessel whom the Judge had caused to be hurried violently to gaol for a tavern score of 3*s.* 1¼*d.* sterl. *etc.* *Asks for* the advice and assistance of the Board in the matter of a law made by Virginia imposing severe penalties for every hogshead of tobacco imported from Carolina. Several hogsheads have been seized by the Sherrif of Nansemond. "This is very prejudicial to H.M. revenues and an insufferable damage to the poor No. Carolinians. . . . At the same time our tobacco exceeds the Virginia." *Begs for* repeal of the Act and that one of the landings in Nansemond River may be made free to the Carolinians to ship their tobacco *etc.* *Set out,* N.C. Col. Rec. II. 761. *Signed,* Richd. Everard. *Endorsed,* Recd. 3rd Oct., Read 26th Nov., 1728. 5 *pp.* *Enclosed,*

184. i. Petition of Samuel Northy to Lt. Governor Sir R. Everard. Complaint against Edmond Porter, Judge of the Admiralty, referred to in preceding. *Set out,* N.C. Col. Rec. II. 757. *Signed,* Samll. Northy. *Endorsed,* Recd. 3rd Oct., 1728. 4 *pp.* [*C.O.* 5, 1267. *ff.* 25–27, 28*v.*–29*v.*, 30*v.*, 32–33*v.*, 34*v.* [*with abstract*]; *and* (*abstract only*) 5, 327. *p.* 1.]

May 4. Jamaica. **185.** Governor Hunter to the Council of Trade and Plantations. *Encloses* list of Acts passed this last Sessions. *Continues*:—The Acts with the proper remarks, the Minutes

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of Council and Assembly shall be sent by the *Breda* which sayls in ten days. This comes by a Bristol runner which sayls to-morrow; the Spanish privateers six in number let nothing escape them. The *Richmond* a sloop wt. goods from London for this place was taken off ye north-east point of this Island about three weeks agoe, two of her crew who made their escape have been with me. The Assembly desir'd a recesse on account of their harvest, and they were accordingly adjourn'd to ye second of July, when I am in hopes they will perfect what was left unfinished. I can venture no more by this uncertain conveyance etc. *Signed*, Ro. Hunter. *Endorsed*, Recd. 17th, Read 18th. July, 1728. *Holograph.* 1¾ *pp.* *Enclosed,*

185. i. List of Acts passed 28th March—18th April, 1728. *Endorsed*, Recd. 17th July, 1728. 1¼ *pp.* [*C.O.* 137, 17. *ff.* 45, 45*v.*, 46*v.*–47*v.*, 48*v.*]

May 4.
Jamaica.

186. *Same* to the Duke of Newcastle. *Repeats* parts of preceding letter. Upon the death of Lt. Plowman has given a commission to William Bashford. *Asks for* confirmation *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. July 18th. *Holograph.* 2 *pp.* *Enclosed,*

186. i. Duplicate of preceding enclosure. [*C.O.* 137, 53. *ff.* 42, 42*v.*, 43*v.*–44*v.*]

May 6.
New York.

187. Governor Montgomerie to the Duke of Newcastle. *Announces* his arrival on 15th April, after a voyage of five months. *Asks* for a Commission for Lt. Walter Butler, to succeed Lt. Collins, decd. *etc.* *Refers to* following. *Set out*, N.Y. Col. Docs. V. p. 855. *Signed*, J. Montgomerie. *Endorsed*, R. 20th June. *Holograph.* 3 *pp.* *Enclosed,*

187. i. Duplicate of following. [*C.O.* 5, 1092. *Nos.* 66, 66 i.]

May 6.
New York.

188. *Same* to Council of Trade and Plantations. *Announces* arrival, but has been too short a while in the country to give an account of the state of the Provinces. *Refers to* Mr. Burnet's reports. *Continues* :—The new Assembly had not met when I arrived. Application was immediately made to me, and the people of the best interest of the province advis'd me to dissolve this new Assembly; but I did not determin myself, till I consulted with every Member of the Council singly, and with what gentlemen of the Province were then in town: They all unanimously and even Governour Burnet himself advis'd me, to call a new Assembly, as the most probable way to compose differences, and reconcile all animosities: in compliance with all their advices, I dissolv'd the Assembly by proclamation, and writs are preparing to summon a new one to meet after harvast. *Refers to* Governour Burnet's account of New Jersey Acts passed in the last session *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 855, 856. *Signed*, J. Montgomerie. *Endorsed*, Recd., Read 20th June, 1728. *Holograph.* 3 *pp.* [*C.O.* 5, 1054. *ff.* 277–278*v.*]

May 7. Whitehall. (incorrectly dated 1727). **189.** Council of Trade and Plantations to Governor Hunter. *Acknowledge* letter of 10th Feb. and congratulate him upon his safe arrival *etc.* *Conclude* :—We doubt not but we shall soon hear that those unhappy differences which have so long subsisted in Jamaica are determined by your wise and prudent administration. [*C.O.* 138, 17. *p.* 241.]

May 7. Whitehall. **190.** *Same* to Lt. Govr. Gooch. *Acknowledge* letter *etc.* of 13th Dec., 12th and 15th Feb; *Continue* :—We desire you will regularly continue to transmit to us accounts of all occurrances that may happen within your Government. We have, according to your desire, recommended Col. Randolph *etc.* (*v.* 16th Feb.). We observe in the Journal of Council of 4th Nov. last, that the Receiver General is ordered to pay to you out of H.M. revenue of 2*s.* per hogshead the sum of £300 sterl.; upon this occasion we must take notice that altho' by your 43rd Instruction you are permitted to issue and dispose of publick money by warrant under your hand, by and with the advice of the Council; yet by your 37th Instruction you are restrained from receiving any gift or present from the Assembly or others on any account or in any manner whatsoever under pain of H.M. highest displeasure, and of being recalled from your Government. We are therefore at a loss to know what reasons you could have for disobeying those directions which H.M. has been pleased to signify to you by his Instructions; for we don't by any means think that the ballance of the publick revenue, being upwards of £6000 which you give to us as a reason for having accepted of the aforesaid present, to be the least excuse. We observe what you write *etc.*, 12th Feb., in relation to your 119th Instruction directing you to propose a law to be passed for making the Virginia estates of bankrupts lyable to the satisfaction of their English creditors. But whatever weight your reasons against the same may have, yet we cannot think them sufficient to excuse you from complying with your Instructions. Col. Spotswood did formerly represent to us the advantage that would accrue to all ships using the Virginia or Maryland trade, if a lighthouse were erected at Cape Henry in Virginia, but it was then consid'red that the duties to be levy'd for that purpose would chiefly affect the trade and shipping of this Kingdom, and the merchts. here seem'd alarm'd at the said proposal; we therefore desire that if you pass any act for that purpose, you will at least take care to insert a clause

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therein, (pursuant to your 24th Instruction) to suspend the effect of the said act till the same shall have been confirm'd by H.M. [*C.O.* 5, 1366. *pp.* 2–5.]

May 9. Whitehall. **191.** Duke of Newcastle to the Council of Trade and Plantations. His Majesty has commanded me to signify to your Lordships his pleasure, that you lay before him as soon as possible a state of the possessions of H.M. and his subjects in America which are disputed by the King of Spain, particularly those of Fort St. George on the borders of S. Carolina, which the Spaniards pretend to have been erected within their limits of the Island of Providence and the rest of the Bahama Islands; and of a settlement which they say H.M. subjects have made at the Laguna de Terminis in the Bay of Campeachy: and in your Representation, you will set forth the proofs and arguments that may be made use of to support the rights of H.M. and his subjects, and take notice of the time when those places or settlements were first possest by H.M. subjects, and how far such possession has been confirmed by the Treaty of Utrecht, the Quadruple Alliance or any other Treaty made between the two Crowns. H.M. would also have you collect together and lay before him, the complaints that are come to your knowledge upon which redress has not yet been obtained, of injurys done by the Spaniards, to H.M. subjects in America or trading thither, as the seizing of their ships and effects by the Guards de Costes and other Spanish vessels; and other depredations and acts of violence and injustice committed on the part of Spain and the loss and damage sustained thereby. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 10th May, 1728. 1⅔ *pp.* [*C.O.* 323, 8. *No.* 90.]

May 10. Whitehall. **192.** Mr. Popple to Mr. Fane. *Asks* for his opinion whether the renewal of Mr. Worsley's Commission, whereby his late Majesty's Commission is revoked, does not cause a determination of his Government within the meaning of an Act of Barbados, 1723, *for supporting the honour and dignity of the Government* and whereby a salary was settled on him until the determination of his Government. [*C.O.* 29, 15. *p.* 22.]

May 15. Whitehall. **193.** Council of Trade and Plantations to Governor Phenney. *Acknowledge* letters *etc.* of 20th April and 5th Dec. *Continue*:—We have again wrote to the Duke of Newcastle in relation to the stores of war *etc.*, and hope that speedy directions will be given to the proper officers for sending you the necessary supplies. [*C.O.* 24, 1. *p.* 97.]

May 16. Whitehall. **194.** Extract of a letter from the Duke of Newcastle to Mr. Walpole. I am commanded by H.M. to transmit to your Excellency the *following* "concerning some late encroach-

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ments made by the French upon the Islands of Sta. Lucia and St. Vincent." *Continues:*—The pretensions of the French to these Islands have always been thought here to be without any foundation, and when they were revived in 1722 upon the occasion of the grant thereof *etc.* to the Duke of Montagu, Mr. Daniel Pulteney *etc.*, was sent express to the French Court to explain and assert the right of the Crown of Great Britain to these two Islands, and had several conferences with the French Ministers upon the subject of his Commission, but through the multiplicity of other affairs then depending at that Court, the matter in question was not brought to any determination, however the farther discussion of it was reserved to another fit opportunity; and in the mean time till such an opportunity should offer it was at least expected, that things should remain in the same situation they were in, and that no new attempts would be made by the French to settle those Islands. For your more thorough information I send you a copy of the Instructions which were given to Mr. Pulteney upon that occasion, together with a Representation of the Lords Commissioners of Trade, wherein H.M. right to those Islands is clearly and fully set forth, as likewise the memorial of the Sieur Destouches, who was then charged with the affairs of France at this Court, wherein he asserts the right of the Crown of France to the said Islands. And from the whole I doubt not, but your Excellency will be able to set this affair in so clear a light, that the Court of France may be convinced they ought not to proceed in the manner they do, without any regard to H.M. title to the said Islands, especially as no title to them has yet been made appear on the part of France. In the doing whereof H.M. would have you act in the same amicable manner as in the former part of this letter you are directed to do. But as the inclosed papers will shew you the undoubted right of H.M. to these Islands, and likewise the necessity of asserting that right both for the benefit of our trade and the security of H.M. other Charibbee Islands, I am to recommend it to your Excellency to make the proper instances that this dispute may be determined according to the rules of Justice, and that a stop may be put to any further incroachments on those Islands. *Copy.* 1¾ *pp.* *Enclosed,*

194. i. Council of Trade and Plantations to the Duke of Newcastle, Feb. 9, 1728. *q.v.*

194. ii. Deposition of John Ridley, 28th Nov., 1727. *Copy.* 1¾ *pp.*

194. iii. John Bennet, merchant in Barbados, to the Duke of Montagu, 30th Nov., 1727. *Copy.* 1½ *pp.* [*C.O.* 28, 39. *Nos.* 43, 43 i–iii.]

May 16.
Whitehall.

195. Mr. Popple to Mr. Attorney and Mr. Solicitor General. The Governors of H.M. Plantations are directed to observe

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the inclos'd Instruction (*relating to the 5th and 6th Articles of the Treaty of Neutrality with the French in America*), but there having been some doubt concerning the legality thereof; my Lords Commissioners desire your opinion thereupon as soon as may be. [*C.O.* 324, 11. *p.* 103.]

May 16. Jamaica. **196.** Governor Hunter to the Council of Trade and Plantations. I embrace this first opportunity that has offer'd since the meeting of our Assembly, to give your Lordships an account of their proceedings and it is a particular satisfaction to me that I can acquaint your Lordships that in all their deliberations and debates they have behaved with moderation and calmness and with a due deference to the King's authority, and I must really do them the justice to say that they have dispatched the most material business I recommended to them in as short a time as could possibly be expected, after which they desir'd me to give them a short recess, it being their crop-time. I did accordingly on the eighteenth of the last month adjourn them to the second of July next, at which time I have no reason to doubt but they will meet and accomplish what remains unfinished and recommended to them for the good of their country. *Encloses* Minutes of Council and of Assembly and seven Acts, vizt. (i) An Act *for granting a revenue to H.M. for the support of the Government and for reviving and perpetuating the acts and laws etc.* I have carefully compared this Act with the draught formerly transmitted to the Duke of Portland and find it agreeable thereto in most things literally but in everything as to it's material substance, except in such particulars as I was impowered by my Instructions to leave out and the words which perpetuate the laws in this Act are synonymous to those used in the draught. And I am of opinion that the Revenue thereby granted will effectually answer the sume of £8000 a year, altho' the duty on indigo and sugar should by any accident fall short of the sume mentioned in the estimate annext to the draught. For I am now taking such measures to have an exact rent roll made of H.M. Quit-rents and for the more effectual and speedy collection thereof that I have great reason to believe the quit rent will at least raise double the sume reckoned in the said estimate, so that the surpluss of the quit rents will at all events make good deficiencies which possibly may happen in the other branches of the Revenue; Besides there is an express clause of credit incerted in this Act, whereby the faith of the Country is engaged to make good any deficiency in the funds appropriated to the Revenue, and it has been seldom known, where the publick faith has been engaged by a vote of the Assembly they have let the publick suffer, much less when solemnly promised and engaged by a law. I have therefore given my assent to this bill and cannot but earnestly recommend it to your Lordships for H.M. Royal approbation. (ii) An act *for raising several sums of money and applying the same to several uses.* This is an annual bill and I have succeeded in having a clause inserted in favour of the South Sea Company, pursuant to the additional Instruction which was given me for that purpose. By this Act the South Sea Company pays no duty for negroes but such as they shall actually dispose of in this Island; This was a difficult point to get over, the people of the country having an aversion to that Company, they say it deprives the separate traders from the advantages they formerly had before the South Sea Factory was settled here. The rest of this bill is much to the same purpose with those passed by former Governours from year to year under the same title. (iii) An act *to oblige the several inhabitants to provide themselves with a sufficient number of white people, or pay certain sums of money in case they shall be deficient and applying the same to several uses and for repairing the wall of Port Royal.* This is likewise an annual law and in which ample provision is made not only for all arrears due to the officers and soldiers belonging to the two Independent Companies during the late cessation of the laws, but also for their subsistance for the ensuing year; I could not possibly prevaile with the Assembly to pass it for a longer time. They give for reasons, that they by this instance as well as their disposition to subsist those two Companies demonstrate their good will to them, and do give me the utmost assurances that they will continue such their subsistance from year to year, whilst the said Companies are kept among them, in which I believe them sincere, because the soldiers are usefull in guarding the fortifycations at Port Royal and keeping guard in this town, which the inhabitants would otherwise be obliged to do; They likewise say that the providing for the soldiers in this manner by annual bills is most agreeable to the common practice in England and therefore desire to assimilate themselves as near as may be to their mother country. (iv) An Act *for raising a tax by the poll and on trades and applying the same to several uses.* This Act is intended, as set forth in the preamble, to raise an additional salary for me. This method the Assembly conceived was easier to the country and answered the ends as well as that in the Duke of Portland's time, and indeed the main end of keeping a Governour independt. of them for his yearly subsistance is answered; he being thus enabled to rent or purchase and stock a pasture farm without which there is no keeping house in this country; H.M. by his Instructions is pleased to permit that the Assembly by any Act or Acts may settle such sum or sums in addition to my salary as they shall think proper, notwithstanding any clause or clauses in the 20th Instruction provided it be done by the first Assembly within the year and during the whole time of my administration; so I humbly hope your Lordships will be of opinion that in giving my assent to this Act, I have in nothing essential departed from my Instructions. (v) An Act *for the more effectual and speedy collecting of the several outstanding publick debts of this island.* There being very considerable sums of money due to the Government both on the revenue and other publick funds, the Assembly have thought proper on my recommendation to apply all those arrears for the payment of the publick debts, and this bill prescribes the most effectual method for the collection of them; so that the utility of this Act is so apparent, that it carries in itself sufficient reasons for my assenting to it. (vi) An Act *for the reviving and continuing of process and to prevent disputes at law concerning the registering of deeds and patents and for confirming of bonds taken in the Secretary's Office.* (vii) *To enable such of the Parishes as have not already chose their parish officers nor laid their parish taxes, to do the same in prefixed times, altho' the times appointed for doing thereof be already elapsed.* The titles and preambles fully explaine the meaning and design of the two last Acts *etc.*, without which the reviveing of the laws by the Revenue bill could have been of little immediate service to the Island; and there being nothing in the said bills contained injurious to H.M. Prerogative, I readily gave my consent to them. These are all the bills that have hitherto been presented to me for my assent, but there are many other good bills under the consideration of the House, such as re-establishing credit, and a more speedy way of reducing the rebellious negroes; These with some other matters of importance I hope to get accomplished at the Assembly's next meeting *etc.* *Encloses* duplicate of Act passed in the Duke of Portland's time entitled, *an explanatory act for the further encouraging the settling the parish of Portland,* " which I never saw nor heard of till I came to this country, otherwise I should have sollicited H.M. approbation of it before I left England; for unless it is confirm'd I am afraid the settlements of that part of the country, which is of great importance to us, will meet with obstructions and delays" *etc.* *Continues:*— The Council and Assembly have join'd in a dutifull Address to H.M., which I have by this conveyance transmitted to the Secretary of State. The *Fox* man of warr arrived here about ten days ago with orders for Admiral Hopson, who is at present with most of the squadron on the coast of Cartagena, but are daily expected here. The Spaniards continue to fit out privateers especially from St. Jago on Cuba and they take every ship and vessel belonging to us they can make themselves masters of; which is a great obstruction to trade. P.S. Last night Admiral Hopson's corpse arrived here from the coast of Cartagena on board the *Leopard* man of warr; He removed from on board his own ship the *Lyon*, that ship being very sickly and the day

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after was seizd with a feaver and died in a few days. I am informed that the rest of the squadron are tolerably well. *Signed*, Ro. Hunter. *Endorsed*, Recd. 19th, Read 23rd July, 1728. 8 *pp.* [*C.O.* 137, 17. *ff.* 49—52*v.*, 54*v.*]

May 17. Jamaica. **197.** Governor Hunter to the Duke of Newcastle. *Refers to* enclosed duplicate of letter to Council of Trade, May 16 *supra. Continues :* I dare not, till I am better inform'd and acquainted, venture to recommend any persons for the Adminr. in case of my death, by virtue of a dormant commission, tho' to prevent new disorders I cannot help thinking such precaution may not be amisse, for although I think the gentleman in who's hands it was at my arriveal can not be accus'd, as far as I am inform'd, of any thing illegal, yet what by means of probable fewds and resentments and the contempt and little regard the generality have for him, I can not think him a proper person for that trust. I thank God I enjoy better health then I have done for for some years pass'd so there is in appearance no immediate necessity for that precaution. Upon the whole, I think the Assembly here if manag'd by a gentle hand may be brought to do their duty in ev'ry thing with relation to H.M. Government and the good of the countrey. An unforeseen and unsuspected opposition, which I am almost asham'd to mention, had like to have embroil'd all again, but as I gott in some measure the better of it, I shall not trouble your Grace with it. I have however explain'd this to Mr. Delafay. The Spaniards have several privateers on the cruize which much disturb our trade and take every vessel they come up with. *Refers* to Admiral Hopson's death *etc.* (*v. preceding*), and to enclosed Address, " which I beg your Grace to gett presented wt. the humble and hearty assurances of their duty and loyalty." *Signed*, Ro. Hunter. *Endorsed*, R. July 20. *Holograph.* 3 *pp.* *Enclosed*,

197. i. Address of Council and Assembly of Jamaica, April 3, 1728 to the King. Condole with H.M. on loss of his royal Father, whilst heartily congratulating him on his accession. " The many early instances of your Majesty's goodness must give your subjects the greatest assurances of happiness, and what quiet, what content must they enjoy who are more immediately in your presence, when we whom Fortune has removed by a very distant scituation are so sensible of the happy influences of your Government." *Express* appreciation of Governor Hunter's appointment *etc.*, and sentiments of duty and loyalty *etc.* *Signed*, Tho. Beckford, Speaker ; Jos. Maxwell, Cl. Council. 1 *large folded p.*

197 ii. Duplicate, *No.* 196. *Endorsed*, Rd. July 20. [*C.O.* 137, 53. *ff.* 46—47*v.*, 48*v.*, 49, 50—54, 55*v.*]

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Jamaica.

198. Governor Hunter to Mr. Stanyan. *Refers* to former letters and repeats gist of letters of 16th and 17th May, *supra. Signed,* Ro. Hunter. *Endorsed,* Rd. July 17. *Holograph.* 3 *pp.* [*C.O.* 137, 53. *ff.* 56—57*v.*]

May 17.
Jamaica.

199. *Same* to the Duke of Newcastle. Capt. St. Loe now commanding in Admiral Hopson's room, recommends him, "as honest a gentleman and good an officer as any in the Service, one very acceptable to all here and well deserving promotion" *etc. Signed,* Ro. Hunter. *Endorsed,* R. July 20. *Holograph.* 1 *p.* [*C.O.* 137, 53. *ff.* 58, 59*v.*]

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200. President Middleton to the Duke of Newcastle. *Had hoped* some notice would have been taken ere now of his letter of 31st June last to Governor Nicholson, which was laid before H.M. in Council *etc.* For want thereof, the people continue in their riotous dispositions, and are daily affronting the Government *etc. Repeats proceedings of Assembly as in the Representation which he is now preparing with the Council* (*v. July* 2*nd,* 1729). *Concludes* :—If such a petty Colony as this, are suffered to run on at this rate, *etc.,* daily affronting the Royall authority and his Representatives here *etc.,* and that without the least censure from home *etc.,* I know not where will be the end of these things. *Signed,* Ar. Middleton. *Endorsed,* R. 4th June. 2 *pp. Enclosed,*

200. i. Bill (sent up from the Assembly, S. Carolina) *to prevent the many evils etc. from the unsettled state of the paper currency etc. Copy. Signed,* Char. Hart, Secry. 1 *p.*

200 ii. Bill to *promote the currency of silver and gold by affixing the value thereof in the present paper currency etc. Copy. Signed,* Wm. Bull, Cl. Conc. 1 *p.*

200. iii. Bill to *promote the importation of gold and make it current etc. Copy. Signed,* Char. Hart, Secry. 1 *p.*

200. iv. Bill to *ascertain the discount on the paper bills of credit etc. Copy. Signed,* Benja. de la Conseillere. 1 *p.*

200. v. Minutes of Council in Assembly of S. Carolina, 4th—11th May, 1728, with Proclamation for dissolving Assembly, 11th May. *Copy. Signed,* Wm. Tinley, Cl. Conc. 5 *pp.*

200. vi. Bill to *ascertain the value of the paper bills and to promote the currency of gold and silver. Copy. Signed as preceding.* 1 *p.* [*C.O.* 5, 306. *Nos.* 80, 80. i—vi.]

May 17.
Whitehall

201. Council of Trade and Plantations to the Lords Commissioners of the Treasury. The Board of Works upon surveying this Office, in order to secure the same when they pull'd down the partition wall lately repair'd, do find the South West wall, almost in as bad a condition as that which they have taken down; and as we are inform'd that the repairing the same will

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not be attended with much expence, we desire your Lordships will please to give the necessary directions for this repair, whilst the workmen are going forward with the other, that we may not be oblig'd to remove a second time out of our Office. [*C.O.* 389, 37. *p.* 290.]

May 17. Whitehall. **202.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, two acts of S. Carolina. [*C.O.* 5, 400. *p.* 238.]

[May 17.] **203.** List of inhabitants of Bermuda, 1727. By parishes. *Totals:* Whites, Men, 910, Women, 1768, boys, 1261, girls, 1131. Blacks, men, 787, women, 945, boys 1158, girls, 987. *Endorsed,* Recd. (from Col. Hope), Read 17th May, 1728. 1 *p.* [*C.O.* 37, 12. *ff.* 9, 10.]

[May 17.] **204.** Copies of assessments in the 9 tribes of Bermuda, in 1727, pursuant to the Act for raising money for the fortifications. *Endorsed as preceding.* 25 *pp.* [*C.O.* 37, 12. *ff.* 11—30*v.*]

May 19. Jamaica. **205.** Governor Hunter to Mr. Popple. I have apply'd to the D. of Newcastle and beg you'll for me apply to their Losps. for a letter constituting Alexr. Forbes Esq. of ye Council he is Provost Marshal but acts by a Deputy. I am frequently put to't for want of a Quorum many of ye Council live at such a distance. And Pusy has been several years absent and in jayl and indeed as I am told never was fitt for the trust. We cannot spare the Atty. Genl. from the Assembly as yet. Make my excuse to their Losps. for having omitted this in mine to them. I shall send a list of twelve when I am better acquainted at present I cannot do't but by guesse. *Signed,* Ro. Hunter. *Endorsed,* Recd. 20th July, Read 13th Nov., 1728. *Holograph.* 1 *p.* [*C.O.* 137, 17. *ff.* 82, 83 *v.*]

May 20. Antego. **206.** Lt. General Mathew to the Council of Trade and Plantations. Is sending to Mr. Yeamans, Agent for the island, two acts to be laid before the Board, (i) *for laying a duty of powder and money on all vessells trading to or from this island for the defence of the island and the protection of trade etc.* (ii) *for raising a tax for paying publick debts etc., and particularly applying the said tax.* The first in the preamble remedys the objections your Lops. were pleased to make to the former act to this purpose. The second is a levy in the same terms and provisoes as usual. Mr. Meure writes me Mr. Willett has complained of me to your Lops. I did not beleive he would, and when your Lops. permitt me to reply, I hope you will think I ought to have been the complainant. He and I are come to a better understanding some months ago, till I see my crimes as recited by him, I can say nothing to it. I have been so very ill, and my

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distemper still so affects my head and nerves, that writing is very irksome to me. I would not miss this conveyance. But pray your Lops. will excuse this being so short and no better writt. *Signed*, William Mathew. *Endorsed*, Recd. 9th Sept., 1728, Read 28th March, 1729. 2 *pp.* [*C.O.* 152, 17. *ff.* 7, 8, 8*v.*]

May 20. Barbados. **207.** Governor Worsley to the Duke of Newcastle. About the beginning of Janry, last I heard that some Gentlemen of the Assembly had met privately, tho' they were then prorogu'd, and had drawn up some complaint against me to the Lords of Trade, and that one particular was in relation to the powder in the Magazine. I did not then think fit to trouble your Grace about a report, for which I was convinced in my conscience there was no grounds, nor could I think they would style themselves an Assembly after I had prorogued them, however, I wrote to my Agent Mr. Sharpe a short account of the powder, in order to lay it before your Grace in case they should have made any such complaint, and having since heard from private letters from England that it was there reported, that they had not only complained of the want of gunpowder in the magazine, but also of my negligence in relation to the Militia and the fortificacons, and of my granting injunctions unlawfully in Chancery; I beg leave, tho' I have not yet seen a copy of the complaint, to represent to your Grace what I have done upon all those heads. Upon the complaints and uneasiness of the inhabitants of Bridgetown on occasion of the ruinous condition of the Magazine there, I gave orders the 10th of July, 1725 (*copies enclosed*) to the Storekeeper Collo. William Leslie, to deliver, to the several Captains of the forts, Needham, Oistins, and Speights, 100 barrells of powder each, to be kept there entire till my further orders, and finding the magazine daily growing in a worse condition, I ordered, the 23rd Sept. following, 200 barrells more to be lodged in the same manner at Needhams Fort, the whole quantity of powder removed weighed neat 501,47 pounds which makes 501 barrls. and 47 lb. the other aforementd. two magazines not being capable of containing more than what I had already lodged in them; The 15th Feb following, the Assembly were so sensible of the ruinous condition of the old Magazine, that they passed a bill for erecting a new one *etc.*, transmitted 27th April, 1726, the preamble of which is as follows;—Whereas the present magazine *etc.* is in a very ruinous condition and the powder and other stores therein have already been damnified thereby, and the said magazine is very inconveniently situated, and the lives and fortunes of H.M. subjects *etc.* are in apparent danger from the great quantity's of gun powder usually kept in the said magazine." What quantity of powder the complainants may have represented to be in the magazine, I can't tell, but it is amazing to see them prevaricate in their complaints, if what I am told is true, by saying that there were but so many barrls,

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of powder in this Island, because there was no more in the magazine, when the whole town and island could not but know, that I had removed it for their own safetys, before the passing of the abovesaid bill, and if I had not done it, the old Magazine, during the late earthquakes, probably would have fallen with that quantity of powder in it, which would have occasioned the utter ruin of the town, for the Magazine was so ruined that in the pulling of it down, it fell, and in October last, the new Magazine was not fit to receive the powder, as your Grace will perceive by the inclosed report *etc.*, so that the undertaker is now obliged to rebuild it after a better manner, which will not be finished till about a month hence whence I could not have returned the powder, and the late Storekeeper Collo. Leslie is obliged to keep in his hands above 100 barrells more of powder upon his own risque till the Magazine is finished. In Sept. 1723 I had the honor of sending lists of the stores, and of the state of the fortifications in this Island, to the Secretary of State, Lords of Trade and board of Ordnance, in the account of the stores which was taken on 8th Feb. 1723 which was immediately after my arrival here, there was but 564 barlls. and 83 pounds of powder then in the magazine, and notwithstanding there was 110 barrells of gunpowder spent in the several divisions in this Island, when His present Majesty was proclaimed, I guess there is now about 700 barrells, but for the satisfaction of the Island, the 20th of Feb. last, I ordered in Council Mr. Lightfoot, who is the Chairman of the Committee of Public Accounts, to make up the late Storekeeper's accounts, as appears by the the Minutes of Council which accompanies this, whence it will appear if any powder has been imbezelled, or not; I must now beg leave to shew your Grace, that according to the constitution of this Island, the Storekeeper is nominated by the Assembly, and when approved by the Governour, before he can execute his office, must give a bond of £2000 sterling for the true and faithfull execution thereof, as appears by an Act of 1697 *to ascertain the duties of masters of ships, etc.*, so that the Governour has nothing more to do with the powder than to issue his orders for delivering it when occasion requires. As to the complaints in relation to the Militia, I must refer myself to an Act *for the settlement of Militia,* 1697 *etc.*, whereby the Militia are to be exercised once a month in time of war, and once in two months in time of peace and no oftner, and that the several Collos. have by this Act the sole power of fining defaulters, hearing all complaints, and of giving redress according to the merit of the cause, tho' at the same time they are not obliged, under any penalty, to do it; even in granting commissions the Governor's power is restrained, for by the same Act no person is held capable of being Field Officer, unless he has a freehold of 100 acres of land, and no person shall be admitted a Captain, unless he has a freehold of 40 acres at least; according to the settlement of the Mili-

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tia by this Act, I can't imagine what grounds of complaint they can have against me, I have indeed ordered them to be exercised once a month, in that, whilst there is only a cessation of arms, it can't be properly called a time of peace; so far was I from being thought negligent upon the head of Militia, that, till lately, this was complained of, as if I had acted contrary to law. As to their complaint of my neglect of the fortifications, I have never failed of representing, to every Assembly, the ruinous condition they are in, and of recommending to them, the raising money for the repairing them. As to my granting injunctions in Chancery unlawfully, I am at a loss to know what they mean; upon my arrival, I found that writts of injunction were granted till the merrits of the cause should be heard, even after judgment in the lower Courts, whence, sometimes the cause did not come to be heard in four or five years; I grant such injunctions till answer and further order, by this means, in two months time by motion, it may come before the Court of Chancery, and upon hearing the merits of the petition, the injunction may be continued or dissolved; hitherto it has been the practice of the Court of Chancery in this Island not to give costs together with the decree, but was afterwards prayed for by motion, whence motions for costs, (besides the extraordinary expence that attends them) have sometimes lain a considerable time, till they come in course to be heard; I have now joyntly with the Court made a rule, that for the future, costs shall be given with the decree, this will prevent delays, and be of great ease to the people. P.S. Having seen a book of exercise for the horse, dragoon and foot forces lately publish'd, by H.M. command, I have ordered the several Collos. here to practice the same. *Signed*, Henry Worsley. *Endorsed*, R. 15th July. 11 *pp.* *Enclosed*,

207. i—iv. Orders by Governor Worsley to William Leslie, Storekeeper, to deliver 500 barrels of powder to the forts (*v. covering letter*), 10th July and 23rd Sept., 1725. *Copies.* 2 *pp.*

207. v. Report by Commissioners for viewing the new Magazine at St. Ann's Castle. 17th Oct., 1727. The buildings are leaky and unfit to hold powder and arms *etc.* 10 *signatures.* *Copy.* 1 *p.* [*C.O.* 28, 44. *Nos.* 120, 120 i–v.]

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Barbados.

208. Governor Worsley to the Council of Trade and Plantations. The 2nd of this month I had the honor of receiving your Lordps. letter of the 24th Nov. *Repeats preceding covering letter.* *Signed*, Henry Worsley. *Endorsed*, Recd. 13th, Read 17th July, 1728. 11 *pp.* *Enclosed*,

208. i, ii. Duplicates of encl. i—v preceding. *Endorsed as preceding.* [*C.O.* 28, 19. *ff.* 194—202, 203*v.*]

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May 20.
Boston.

209. Mr. Willard to Mr. Popple. *Encloses* Minutes of Council and Journal of Assembly, and Acts, for the last half year. *Sent* the Excise Act for 1726 in Oct. last *etc. Signed,* Josiah Willard. *Endorsed,* Recd. Read 4th July, 1728. ¾ *p.* [*C.O.* 5, 870. *ff.* 115, 116*v.*]

[May 21.]

210. Memorandum by Mr. Godin upon the first settling of Carolina. *Set out,* N.C. Col. Rec. II. 763. *Signed,* Stephen Godin. *Endorsed,* Recd. Read 21st May, 1728. 2¼ *pp.* [*C.O.* 5, 360. *ff* 64, 64*v.*]

[May 21.]

211. Memorandum of the bounds and settlement of Carolina and the Bahama Islands. *Signed,* Ri. Shelton. *Endorsed as preceding.* 1½ *pp.* [*C.O.* 5, 360. *ff.* 64, 64*v.*, 65*v.*]

May 21.
Jamaica.

212. Governor Hunter to Mr. Stanyan. The Fleet not yet being sayl'd, I have time to supply an omission. Peter Miller, found guilty of the murder of John Addington is still in jayl under sentence. The Bench was divided it seems abt. ye evidence of his guilt wch. procured his reprieve at that time. In that case the Govr. can only reprieve till H.M. pleasure be known *etc.* Awaits orders. *Signed,* Ro. Hunter. *Endorsed,* Rd. July 14th. *Holograph.* 1 *p.* [*C.O.* 137, 53. *ff.* 60, 61*v.*]

May 22.
Whitehall.

213. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following. Continues :*—As you are now preparing draught of Col. Philips' Commission and Instructions, it is H.M. pleasure that you should at the same time consider of the several matters proposed by *him,* with what shall otherwise occurr to you, as most necessary and proper for the better settlement and Government of *Nova Scotia.* P.S. I must desire your Lordps. will give what dispatch you conveniently can to this affair. *Signed,* Holles Newcastle. *Endorsed,* Recd. Read 23rd May, 1728. 1 *p. Enclosed,*

213. i. Petition of Governor Philipps to the King. Petitioner will obey H.M. commands to return to his Government with all dispatch. Prays that, before his patent and instructions are made out, the Board of Trade may be directed to lay before H.M. the memorials that have been given of the state of that Government and their reports thereupon, by which H.M. will be informed of of the miserable condition of that Province and be able to judge of measures necessary to be taken for a speedy relief. This is what (with His late Majesty's leave) petitioner came over to sollicit, and unless obtain'd there is great reason to apprehend that his return there will serve to no better end then totally to discourage the settlement (so much wanted) of that Province, and give despair to those unhappy people

both military and civill who have supported themselves hitherto under the greatest hardships on the hopes of the good success of his representations. *Endorsed*, Rd. 8th May, 1728. 1 *p*.

213. ii. State and Condition of Nova Scotia. (i) The fort of Annapolis Royal is utterly gone to decay *etc.* and the artillery almost totally dismounted (*described*), so that the state of that garrison, without cover or defence, is no longer supportable *etc.* (ii) Canso is yet in worse circumstances, if possible. Seven years have elapsed since the present Governor erected at his own expense lodgment and a magazine intended to last but for one year, and no better provision made for the garrison, in which time they have undergone unspeakable hardships. It is not to be expected that human nature is able to exist there another winter in the same condition. By means of the protection of the Garrison Canso is become the most considerable of the fishery trade of any in America, insomuch that one year's proffits at this time ariseing to Great Brittain by the returns for fish shipped off there to foreign markets, will more than pay the expence needfull for its security, without which it is in danger of being deserted. (iii) Annapolis Royal being 130 leagues from Canso, and Canso 80 from Placentia, and no possibility of communication by land, the Governor needs a vessel to be appointed constantly to attend that service, otherwise, there being no correspondence between them by traffick or otherwise, " the moment he removes from hence, where is the present center of correspondence with the whole, he looses all knowledge of the affairs of that Government." (iv) Another circumstance necessary to be had under consideration is that of the French inhabitants, who beside the Indian natives are almost the only inhabitants of that Province, excepting about half a dozen poor English familys ; These are the same people that settled there under the French Government, but greatly multiply'd since the surrender of that country 16 years ago ; since which time they have presum'd upon their own numbers and strength, and the weakness of the English Government, back'd with the friendship of the Indians, to continue their footing there, refusing to comply with the Articles of Capitulation *etc.* and at this time declareing themselves subjects of France, waiting for opportunity of a rupture betwixt the two Crowns, and in the meantime are dayly practiseing in secret with the Indians, exciting them to robberys and murder, makeing a mock of the English Government

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etc. As the only remedy, it is proposed as absolutely necessary toward haveing the entire command of the Province, to take post with a number sufficient for a garrison on the Isthmus which divides the Province in the center, and is the scituation of the greatest part of those inhabitants, and rendevouz of the Indians in concerting of mischief, by which means those insolent people may be entirely subjected to obedience, and by thus cutting off the communication between the West and Eastern Indians will infallibly prevent all future warr, disturbance and murders by those barbarians, which has hitherto discouraged the settleing of the Province, *etc.* The Isthmus, being about 8 or 9 miles wide, and a very fertile soil, on which those inhabitants raise great store of excellent corn and cattle, with which they traffick with the French at Cape Breton and are the support of that Colony, takeing in return the European manufactures of France, by the influence of this post that trade will be forced into its proper channel with the subjects of Great Brittain, who will vend there yearly considerable quantitys of our manufactures *etc.* The charge, besides a small reinforcement of men, will not exceed £1000 sterl., which those inhabitants, when subjected, are rich enough to make good. (v) The Governor being by his last Instructions laid under a prohibition of making any grants of lands in that Province before such time as a general survey shall be made for the marking out a certain number of acres of woodland fitt for the use of the Royall Navy, which occasion'd the loss of 200 familys that at one time offer'd themselves to go over in a body to settle but cou'd not be accepted, and whereas the intended general survey is not yet begun, and may in all probability be a work of two or three years before finished *etc.*, *proposes* that he be permitted in the mean time to grant such lands as bear no such timber *etc.* (6) Whereas no ways or means are to be found for raising the least supply within the Province toward the support of the Government upon any emergency tho' it were but a shilling and its safety depended on it, it is hoped that a provision by way of contingent mony may be appropriated in like manner as to other Governments *etc.*

Number and disposition of forces necessary: At Canso, being the frontier of the Province, 200; at the post on the isthmus, 200; at Annapolis the garrison of 150 may be reduced from 150 to 100 by opening a communication between it and the post on the isthmus.

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The Regiment there at the present establishment is 350. The state of the Civil Government is matter of further consideration. 3 *pp.* [*C.O.* 217, 5. *ff.* 11, 12, 13, 13*v.*, 14, 14*v.*, 15*v.*, 16*v.*]

May 23. Whitehall. **214.** Council of Trade and Plantations to the King. The allegations in Mr. Elliot's petition, (*v.* July 5th) according to our information are true, and he has been of service in protecting the Fishery at Canço. And as we are informed that many pernicious practices are carried on in the towns of Newberry, Capan and Squam by reason of their distant situation from Piscataqua where the Collector usually resides, to the great detriment of your Majesty's Revenue; we have no objection why your Majesty may not be graciously pleas'd to gratify the petitioner according to his request. [*C.O.* 218, 2. *pp.* 74, 75.]

May 24. Whitehall. **215.** Duke of Newcastle to Governor Worsley. Has laid the petition of Assembly (4th Jan.) against him before the King *etc.* *Concludes*:—The King has so good an opinion of your conduct, that he is willing to hope this complaint has not any just foundation; however H.M. has commanded me to transmit to you the inclosed copy thereof for your information, and that you may have an opportunity of returning a proper answer thereto. *Signed,* Holles Newcastle. *Annexed,*

215. i. Copy of Petition of Assembly of Barbados, 4th Jan. [*C.O.* 324, 36. *pp.* 64—72.]

May 28. Londo. **216.** Col. Johnson, Mr. Yonge and Mr. Wragg to the Council of Trade and Plantations. Recapitulation of history of settlement of Carolina and attempts by the Spaniards to settle there or disturb H.M. subjects. *Signed,* Robt. Johnson, Fra. Yonge, Sam. Wragg. *Endorsed,* Recd. Read 28th May, 1728. 2¾ *pp.* [*C.O.* 5, 360. *ff* 66—67*v.*]

May 28. Bartlett's Buildings. **217.** Mr. Newman to Mr. Popple. Being engaged every Tuesday in the year, prays to be excused from attending the Board on that day. *Signed,* Henry Newman. *Endorsed,* Recd. Read 28th May, 1728. 1½ *pp.* [*C.O.* 5, 870. *ff.* 111, 111*v.*, 112*v.*]

[May 29.] **218.** Copy of Commission and Instructions for the Council of Trade, who met at Mercer's Hall, London, 1660. 12 *pp.* [*C.O.* 388, 79. *Nos.* 22, 23.]

[May 29.] **219.** Copy of the bill in the Signet Office, under the sign manual of Charles II, which passed the Great Seal, 20th Sept., 1672, appointing a standing Council for Trade and Plantations. *Endorsed,* Taken out of ye Signet Office, ye 29th May, 1728. 10½ *pp.* [*C.O.* 388, 79. *No.* 24.]

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May 29. **220.** Col. Johnson to Mr. Popple. Gives address of Capt. John Bodler who can give all information relating to Fort King George, Car. etc. *Signed*, Robt. Johnson. *Endorsed*, Recd., Read 29th May, 1728. *Addressed.* 1 *p.* [*C.O.* 5, 360. *ff.* 68, 69*v.*]

May 30.
New York. **221.** Governor Montgomerie to the Duke of Newcastle. *Acknowledges* receipt of H.M. Additional Instructions relating to Mr. King, Receiver General of the rights and perquisites of the Admiralty *etc.* *Recommends* Mr. De Lancey for the Council *v.* *No.* 224. *Signed*, J. Montgomerie. *Endorsed*, R. July 18. *Holograph.* 2 pp. [*C.O.* 5, 1092. *N*o.67.]

May 30.
New York. **222.** *Same* to [? *Mr. Delafaye*]. *Acknowledges* his obligations to him, thanks him for his civilities, and begs the continuance of his favour *etc.* *Begs him* to put the Duke in mind of his recommendation of Mr. De Lancy *etc.* *Signed and endorsed as preceding.* *Holograph.* 1¾ *pp.* [*C.O.* 5, 1092. *No.* 68.]

May 30.
New York. **223.** *Same* to Mr. Popple. As preceding. *Set out,* N.Y. Col. Docs. V. *p.* 857. *Signed*, J. Montgomerie. *Endorsed*, Recd. 18th July, Read 13th Nov., 1728. *Holograph.* 2 *pp.* [*C.O.* 5, 1054. *ff.* 294, 294*v.*, 295*v.*]

May 30.
New York. **224.** *Same* to Council of Trade and Plantations. *Has not yet* been able to get the Acts of New Jersey engrossed. Recommends Mr. James De Lancey for the Council in room of Mr. Barberie decd. His father, an eminent merchant, is a Member of the Assembly, and one of the richest men in the Province *etc.* *Intends to* meet the Assembly on 22d July. *Set out*, N.Y. Col. Docs. V. *pp.* 856, 857. *Signed and endorsed as preceding.* *Holograph.* 3 *pp.* [*C.O.* 5, 1054. *ff.* 292—293*v.*]

May 30.
Whitehall. **225.** Mr. Popple to Capt. John Bodler. *Asks for* information as to the Fort King George in S. Carolina, "particularly upon what river it is erected." [*C.O.* 5, 400. *f.* 239.]

May 30.
London. **226.** Mr. Lowther to Mr. Popple. Sends a Map of Hudson's and Delaware Rivers and the adjacent country made by William Bond, to be presented to the Board. *Signed*, Rob. Lowther. *Endorsed*, Recd. 30th May, Read 5th June, 1728. *Holograph.* 1 *p.* [*C.O.* 5, 1054. *ff.* 275, 276*v.*]

May 31.
Whitehall. **227.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed*,

227. i. Council of Trade and Plantations to the King. *Representation* upon Governor Philipps' petition and state of Nova Scotia (*v.* May 22nd). We have always been of opinion, it was highly necessary to your Majesty's service, and for the interest of Great Britain,

that proper measures should be taken for the peopling and settling Nova Scotia which has been the subject of many reports from this Board *etc.* *Enclose copy* of representation of 7th June, wherein they have already given their opinion " concerning the several particulars contain'd in Col. Philipps' State of Nova Scotia, excepting only what relates to contingent mony, and the encrease of the number of men upon the establishment of his Regiment, to which we have no objection, especially till such time as the Province shall be in a condition to raise mony for their own defence, and for the services of the Civil Government there. And as we are now preparing the draught of a Commission and Instructions for Col. Philipps, we humbly crave leave to know your Majesty's pleasure concerning the several particulars in the annex'd Representation, that in case the same should be necessary, further Instructions [*may be inserted*] for Col. Philipps, *etc.* [*C.O.* 218, 2. *pp.* 77—79.]

May 31. Whitehall. **228.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to continue George Phenney Esq. in the employment of Governor of the Bahama Islands in America; you are to prepare draughts of a Commission and Instructions for him *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 3rd, Read 4th June, 1728. 1 *p.* [*C.O.* 23, 2. *ff.* 129, 130*v.*]

[June 2.] **229.** Copy of undertaking by M. Subercase, " Governor of L'Accadie of Cape Breton Island and land adjacent from the Cape Roziers of the Great River St. Lawrence as far as the East part of Kennebeck River," to procure passports for Major Richard Mullins and Charles Brown to proceed to England *etc.* Port Royal. 23rd Oct. N.S. 1710. *Endorsed,* Recd. 2nd, Read 6th June, 1728. ¾ *p.* [*C.O.* 217, 5. *ff.* 76, 77*v.*]

June 3. **230.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Report upon H.M. Instruction to Governors relating to the 5th and 6th Articles of the Treaty of Peace and Neutrality (*v.* 16th May). *Continue:*—We conceive that it was the intent of those articles to give power to the King of Great Britain and the most Christian King reciprocally to seize and confiscate the ships and cargoes belonging to the subjects of each other, which should carry on a trade contrary to the said Articles; and consequently that ships belonging to the subjects of France with their ladings, that shall be found trading in any of the British Plantations in breach of those Articles, will be liable to be seized and condemned, in some of H.M. Courts within such Plantations for that cause; and that

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on the other hand ships and their cargoes belonging to British subjects who shall be found trading in any of the French Plantations in breach of the said Articles, will in like manner be subject to seizure and confiscation within such French Plantation. But we apprehend that it was not the intent of this Treaty to provide that either of the contracting powers should seize and confiscate the ships or goods of their own subjects for contravening the said Articles; and if such intention had appeared, we are humbly of opinion that it could not have had it's effect with respect to H.M. subjects, unless the said Articles had been confirmed either by Act of Parliament of Great Britain, or by Acts of Assembly within the respective Plantations. As to the abovementioned Instruction there appears to us nothing illegal in the terms of it; But considering the distinction, arising upon the said two Articles of the Treaty, which we have already stated, we submit it to your Lordships' consideration whether it may not be expressed more explicitly and particularly in order to prevent mistakes in carrying the same into execution in the severall cases that may happen. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Recd. 3rd, Read 4th June, 1728. 5⅓ *pp*. *Enclosed*,

230. i. Extract of 5th and 6th Articles of the Treaty of Peace and Neutrality, 1686. 3⅓ *pp*. [*C.O*. 323, 8. *Nos*. 91, 91. i.]

June 3. **231.** Mr. Fane to the Council of Trade and Plantations. In reply to 10th May, gives opinion, with reasons, that Mr. Worsley's Government was not determined by the demise of his late Majesty and his present Commission is a renewal of it and a continuation of the same office and profits *etc*. *Signed*, Fran. Fane. *Endorsed*, Recd. 3rd, Read 4th June, 1728. 6½ *pp*. [*C.O*. 28, 19. *ff*. 180—183*v*.]

June 4. **232.** *Same* to *Same*. Has no objection to the Acts of St. Kitts *for regulating Vestries etc*. and *ascertaining the number of Assemblymen etc*. (*v*. Dec. 26). *Signed*, Fran. Fane. *Endorsed*, Recd. 7th June, 1728, Read 28th March, 1729. 1 *p*. [*C.O*. 152, 17. *ff*. 27, 28*v*.]

June 4. **233.** Mr. Partridge to Mr. Popple. Understanding there is like to be made some application at the ensuing Congress at Soisons for obtaining satisfaction from Spain for the ships taken by the Spaniards *etc*., I do therefore send thee herewith an accot. of a ship belonging to Rhd. Island taken about 4 yrs since from Capt. Wanton whose attourney I am. We endeavoured to get satisfaction from the Court of Spain as will appear by *enclosed* papers *etc*., but we never could recover anything at all *etc*.*:* so now I desire thou wouldst please to let this ship and cargo amo.

to upwards of £1800 sterl. to be incerted among such accots. as are to be transmitted to the Congress. I am, Thy Friend, *Signed*, Richd. Partridge. *Endorsed*, Recd., Read 6th June, 1728. 1 *p.* *Enclosed*,

233. i. Petition of Wm. Wanton jr. to the King. Commander of the *Wanton*, describes capture of his ship in her voyage from Jamaica to Rhode Island, when attempting to water at Chincherna Island, near Cape Catoch, April, 1724, after being driven off her course by a storm, and not knowing where they were. Petitioner had not had any manner of commerce with the Spaniards or any others from the shore, nor when taken had they any goods on board of Spanish growth or product or any counterband goods whatsoever. The Spaniards carried them into the Bay of Honduras and seized all their papers, to prevent a true state of the case being laid before H.M. Then they proceeded to treat the ship's company very barbarously and inhumanly perticularly in hanging up some of your petitioner's sailors by the neck to make them confess where they were bound *etc.* Petitioner and some of his company were carried to Campeachy and there put into prison with very little cloaths *etc.* Six others, who were sick, were inhumanly forced out of the ship into a boat. Petitioner after having layn in prison till the latter end of June was carried to Vera Cruz and put into prison there in a place that was almost knee-deep with water and was there three days without any subsistance from the Spaniards, and afterwards was removed to a castle from whence he was released through the intercession of Capt. Wm. Clealand of the *Royal Prince* and the English Factory there *etc.* *Prays for* redress on account of himself and Col. Wm. Wanton of Rhode Island, sole owners of the *Wanton*.

233. ii. Estimate of value of *Wanton* and cargo as above. 1 *p.*

233. iii. Duke of Newcastle to Mr. Stanhope. Jan. 14, 17$\frac{2}{2}\frac{4}{5}$. *Transmits* Wm. Wanton's petition (*No.* 1) and *concludes :* H.M. directs your Excellency to represent to the Court of Spain the particular hardship of this case, and endeavour to obtain a full and speedy satisfaction for the loss the owners have sustained. *Signed*, Holles Newcastle. *Copy.* 2 *pp.*

233. iv–vi. Depositions of Wm. Wanton jr. (2), and Caleb Godfrey relating to foregoing. *Signed*, Wm. Wanton, jr., Caleb Godfrey. $1\frac{3}{4}$ *pp.*, 3 *pp.* [*C.O.* 388, 27, *Nos.* 29, 29 i—vi.]

June 4. Whitehall. **234.** Mr. Popple to Mr. Scrope. *Encloses following as desired.* It will be for H.M. service, that the Surveyor General be dispatched as soon as possible, that the settlement of Nova Scotia may be no longer delay'd *etc.* (*v.* Cal. Treasury Papers, 1728, *p.* 516). *Annexed,*

234. i. Draught of H.M. Instructions to David Dunbar, Surveyor General of H.M. Woods on the Continent of America. Whereas we are sensible of the great advantage that would accrue to our Kingdoms, were our Royal Navy and the shipping of Great Britain constantly supply'd with Naval Stores of all kinds from Our Plantations in America, We have thought fit to appoint you to be Surveyor of Our Woods on that Continent; You are therefore with all convenient speed to repair to America, and to signify and exhibit to the several Governors of Our Plantations there, Our Commission *etc.* as also such parts of Our Instructions in that behalf, as may be requisite from time to time. And whereas we are inform'd that the Province of Nova Scotia abounds with timber of all kinds fit for the service of Our Royal Navy; And whereas Our Governor of that Province is forbid to grant any lands there to any person whatsoever until there shall be set apart a sufficient quantity of land bearing timber as a nursery of trees for the use of Our Royal Navy, you are therefore in the first place to proceed to that Province, and in those parts where you shall find it most for Our service, to take a survey of Our woods, and to mark out certain tracts of land most proper to be reserv'd for the service of Our Royal Navy; always observing that they lye as contiguous as may be to the sea coast or navigable rivers, not amounting to less than 200,000 acres in the whole, in which lands no persons whatsoever are to cut trees of any dimensions, under pain of Our highest displeasure, and of the utmost penalties the laws can inflict for such offence *etc.* You are to make application to the Governors (*of the Provinces concerned*) that the Acts *for the preservation of white avd other pine trees,* and *for giving further encouragement to the importation of Naval Stores* be publish'd in their respective Governments, and you are to take especial care, that the said Acts or such parts of them as are in force be duly observ'd, particularly you are to mark all such trees fit for the use of Our Royal Navy (not being the property of any private person) and to restrain as much as possible the liberty taken, of cutting down trees fit for Our service, according to the directions of the said Acts. And whereas a doubt has arisen upon the words of the *latter* Act, whether trees of 24 in. diameter at 12 in. from the ground, growing within any township or the boundaries

thereof, be restricted to H.M., or whether the people there have not a power to cut them for their own private use, altho' by the Charter granted to the Colony of the Massachusets Bay, such trees are reserv'd to the Crown ; you are to understand that nothing contain'd in that Act can be construed to take away the right reserv'd to the Crown by the said Charter, as to trees of 24 inches diameter at 12 inches from the ground, whether the same are growing within or out of any township ; The intention of the Act being to make a larger provision for preservation of white pine trees than was done by the Charter, by prohibiting under penalties, the cutting down such trees growing without the limits described in the Act without H.M. licence, notwithstanding they might be the property of private persons, and of dimensions different from those describ'd in the Charter ; you are therefore not to suffer any such trees to be cut altho' they do grow within the bounds of any township, without your licence for that purpose ; and if you discover any offending therein, you shall prosecute them according to law. And whereas We are desirous that these Our Dominions be furnish'd with pitch, tar, hemp and other Naval Stores from Our Plantations rather than from foreign parts ; you are, upon your arrival in America, to use your best skill and care in instructing the inhabitants of Our Colonies in the right and proper method of producing, making and fabricating of tar and pitch, and to direct them as well in the choice of tree, as land proper for the producing these commodities, as likewise for producing hemp, and such other Naval Stores as are imported from the East Countries, and other foreign parts. You are to endeavour by your advice and instructions to correct any errors the inhabitants may run into, in the manufacturing the said commodities. You are to advise the inhabitants that they take care that all such pitch and tar as shall be shipp'd from thence, be good and merchantable, free from dirt and dross ; and that the respective makers of those commodities do put their names and place where such commodities were made, upon each cask in which the said pitch and tar shall be put. You are to make application to Our Governors in those parts, that they endeavour to get such Acts pass'd in their respective Governments, as may be proper for encouraging the said undertaking, and for preventing abuses that may be committed therein. You are to keep a particular account of all your proceedings herein, and what progress you make from time to time, as also what particular obstructions you shall meet with, if any, and give an account thereof to Us, by one of Our principal Secretaries of State, and to Our Commissrs. for Trade and Plantations, as also to Our Governors of the respective Plantations where you shall be, together with your opinion what further orders or instructions may be requisite for ye perfecting this so necessary and advantagious undertaking. [*C.O.* 324, 11. *pp.* 103—111.]

June 5.
Whitehall.
235. Mr. Popple to Mr. Fane. Encloses for his opinion in in point of law Act of Antigua, 1728, *for encreasing the salary of the present Agent, and for appointing how long he shall continue in his Office*. [*C.O.* 153, 14. *p.* 403.]

June 5.
236. Mr. Fane to the Council of Trade and Plantations. *Report* upon Act of New York *for preventing prosecutions by informations.* The Act recites that many of H.M. subjects have been lately prosecuted in the counties and Supreame Court upon information filed against them by the Attorney Generall and his Deputies, tho' the matters charged against them have been generaly trivial and inconsiderable, therefore it is enacted that all informations filed by H.M. Attorney Generall now depending shall be quashed *etc.* and all such process and proceedings are to cease after the publication of this Act *etc.* And it is enacted that thereafter no person shall be troubled in his liberty or estate by the King's Attorney General upon pretence of any misdemeanour committed otherwise then by presentment of a Grand Jury or by information by an order from the Governor signed in Councill *etc.*, and the party so presented shall be brought to trial the second Court after such information filed or be discharged the Court without paying of any fees *etc.*, *etc.* It is further enacted that if the Attorney Generall shall prosecute any person contrary to the true intent and meaning of this Act *etc.* he shall forfeit £100 currant money *etc.* I think this Act a very violent and extraordinary attaque upon the prerogative of the Crown, for the right the Attorney Generall has to file informations is delegated to him from the King and has been ever thought a most essential and necessary power with regard to the security of the publick tranquility, as well as for the service and protection of H.M. revenue, and I apprehend the destroying that power thus, will be attended by very ill consequences ; for if no delinquent is to be prosecuted without going through so solemn an enquiry whether it be expedient or not, I believe it will be an encouragement to wicked men to perpetrate the worst of villanies in hopes by justice being delayed which it must necessarily be in this form of proceeding they may escape that punishment they justly deserve, and which in policy ought to be as speedy as possible *etc. Calls attention*

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to the quashing of all prosecutions now depending, which must be attended with many inconveniencies. *Continues:* The imposing a fine upon the Attorney General if he does not pursue the directions of this Act is an unprecedented step and a high reflection upon the honour of the Crown; for can it be supposed H.M. will appoint an Attorney Generall who is so unwilling to do his duty that he must by the fear and dread of punishment be forced to put the law in execution *etc. Signed,* Fran. Fane. *Endorsed,* Recd. 7th, Read 27th June, 1728. 5½ *pp.* [*C.O.* 5, 1054. *ff.* 279—281*v.*, 282*v.*]

June 5. **237.** *Same* to *Same.* Has no objection to 8 Acts of New York referred to him 1st May *etc. Signed,* Fran. Fane. *Endorsed,* Recd. 7th June, 1728, Read 18th Nov., 1729. 1½ *pp.* [*C.O.* 5, 1055. *ff.* 42, 42*v.*, 43*v.*]

June 6.
Whitehall.
238. Order of Committee of Privy Council. Upon consideration of a report layd this day before their Lordships, made by Mr. Attorney and Mr Sollicitor General to the Lords of Trade, (*v.* 3rd June) relating to an article in the General Instructions to the Governors of H.M. Plantations in America, directing them to notify to H.M. subjects under their Government, the purport of the 5th and 6th Articles of the Treaty of Peace *etc.* 1686, and directing the said Governors to take particular care that the same be punctually observed and put in execution, and their Lordships observing, that the Governors have so far mistaken the sense of the said Articles and their Instructions grounded thereon, as to proceed to the condemnation of ships and cargoes belonging to H.M. subjects under pretence of their having contravened the said Articles by trading to the French Plantations, which was not the sense of those Articles, which could only entitle H.M. Governors to condemn French ships trading to our Plantations, there being no law to justify the condemnation of ships belonging to H.M. subjects for such trade, Their Lordships are therefore pleased to order that the Lords Commissioners for Trade and Plantations do consider of a proper Instruction to be prepared for H.M approbation whereby those articles may be explained, so as to prevent the like mistakes for the future, and that they likewise consider what laws it may be reasonable to pass in the severall Plantations, for restraining H.M. subjects from importing into British Plantations such products of the French Plantations, as may interfere with the British trade, and lay the same before their Committee. *Signed,* Temple Stanyan. *Endorsed,* Recd, 11th, Read 13th June, 1728. 2 *pp.* [*C.O.* 323, 8. *No.* 92.]

June 7.
Jamaica.
239. Governor Hunter to the Duke of Newcastle. Duplicate of May 17, with postscript: The *Solebay* from Gibraltar arrived

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here the beginning of this moneth with despatches for the Spanish Viceroys. *Signed,* Ro. Hunter. *Endorsed,* Rd. Augt. 4th. 2¾ *pp.* *Enclosed,*

239. i. Duplicate of *No.* 196. [*C.O.* 137, 53. *ff.* 62—63*v.*, 66—69*v.*]

June 7. Jamaica. **240.** *Same* to Mr. Stanyan. Duplicate of May 17th, with postscript relating to Miller (*v.* May 21st). *Signed,* Ro. Hunter. *Endorsed,* R. Augt. 7th. 2 *pp.* [*C.O.* 137, 53. *ff.* 64, 64*v.*, 65*v.*]

[? June 8.] **241.** Lt. Governor Gooch to the Council of Trade and Plantations. The General Assembly not concluding their session till the 30th of March, and the General Court immediately following, it is not possible for me to get the transcripts of the journals and laws of that Session in a readiness to be sent to your Lordships any sooner; however, I hope the conveniency of sending them by John Randolph Esqr., the Clerk of the House of Burgesses, who, going to England for the recovery of his health, will be ready to satisfie your Lordships in any point wherein you may desire to be further informed, will in some measure excuse this unavoidable delay. I am now to make some observations on the laws herewith sent, and shal begin with those which are not to take place untill they receive H.M. approbation. And the first is an Act for laying a duty on slaves imported and appointing a Treasurer. By it a duty of 40*s.* an head is laid on all slaves imported into this Colony for sale to be paid by the importer, with the usual clause for the regular collecting and paying that duty; and for drawing back the whole upon re-exportation within three moneths. This duty is to commence upon H.M. assent to the act being publickly notified in this Dominion, and thence to continue for three years and no longer, the money arising from it is to be accounted for by a Treasurer, and disposed of to such publick uses as the Governour Council and Burgesses shall agree upon, *etc.* Though the particular services for which this money is intended are not express'd in the act, yet there is a constant charge wch. annually arises for the prosecution of criminals, for recompensing the owners of slaves condemn'd for capital offences, for discharging the sallarys of many publick officers, and for keeping the Capitol and other publick buildings in repair; which cannot be supported without such a duty *etc.*; nor can anything of importance be undertaken for the benefit of the publick without such a reserv'd fund, seeing a poll-tax in tobacco has been found grievous to the people, and through the incertainty of its value of very little encouragement to people to engage in the public service. But besides, 'tis the common topick among the people that while the like or a greater duty on negroes subsists and has continued for a long time in Maryland a Proprietary Government, it is hard that they who are under H.M. immediate Government should be restrained from the same means of securing and improving their country; and from these considerations moved the Assembly to attempt the re-enacting a law which had been formerly disapprov'd, in hopes that its conformity now to the King's instructions, and the necessity of a fund for the publick service, will induce H.M. to give it his royal sanction, for the short time it is to continue. The only objection I think that can be brought against this law is, the private interest of the importer: but when it is considered that the price of negroes will always be advanced in proportion to the duty, they can't be sufferers by it. and the money will be taken out of their pockets, who are the advocates for it. If therefore your Lordships have no other exception, I hope the united desires of all the people of this Colony will obtain your Lordships favourable representation of it to his Majesty. The next is entd. an Act for erecting a lighthouse on Cape Henry: By this act there's a thousand pounds appropriated for building a substantial lighthouse of brick or stone, and for purchasing grounds sufficient for that and the keeper of it; and for reimbursing that and defraying the expence of keeping a constant light there for the conveniency of shipping it is proposed that a duty one penny pr. tun according to their measure be paid by all ships and vessels passing through the Capes of Virginia. But this act is not to be in force untill approved by H.M., nor unless the Province of Maryland pass an act for raising and collecting the same light money on the ships and vessels trading thither. I need add little to what is contained in the preamble of this bill to shew the usefulness and expediency of this undertaking; for surely there is no place of trade where a lighthouse is more necessary: a flat coast for many leagues on each side of the Capes, and scarce discernible in the clearest weather above five leagues off at sea, surely requires some noted landmark to guide the doubting mariner: the sudden changes of the wind at those seasons of the year when the ships most frequent this coast, makes it neceessary that no time be lost for their getting in, since whenever the Northwest wind begins to blow it is with great violence and holds generally for many days, so that ships coming to soundings in the night and having nothing to direct their course, are frequently drove back to sea in the morning when by the conveniency of this necessary and useful work they might have got within the Capes in safety. And indeed considering the number and value of the ships imploy'd in the trade of Virginia and Maryland it seems strange that such a design hath been so long delay'd: for since I first propos'd it, I have not heard of any master of a ship trading hither but what owns the use of it, and allows the duty for supporting of it very reasonable. But as it is impossible to account for popular humours, I am apprehensive this good work may be obstructed by the refusal of the Assembly of Maryland to come into a law for raising the same duty, tho' 'tis certain

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the trade of that Province will reap a greater benefit by it than that of Virginia : for as they and we receive the same advantage with respect to inward bound ships, so they of Maryland in their outward bound voyage have by much the greater want and occasion for it ; for our ships setting saile in the morning from any of our rivers with a fair wind can get out of the Capes before night, whereas the Maryland ships having a much longer run down the Bay are frequently benighted before they can get sight of the Cape, whereby it has happened that divers ships of value have in the compass of a few years past been cast away on the shoals either of the Horse-shoe, or middle ground which extends a considerable way from the Capes up the Bay of Chesea-peake and form a narrow and difficult chanell. I have lately had an oppertunity, by a visit to me, to discourse with the Governor of Maryland on this subject, and find him well inclined to forward this project of a lighthouse, but cannot answer for the temper of his Assembly which is to meet next October : and it may perhaps afford them an handle for cavilling that this act now seems to lay the duty on the Maryland shipping and exacts the obedience of that Province in their officers collecting of it. 'Tis true the act might have been penn'd in smoother terms with regard to that Province, nor can I excuse our Burgesses for framing of it in that manner. But as publick benefits ought to overbalance as well private interest as the transgression of common forms, and as the Assembly of Maryland may word their act in what strains they please so that the work be carried on and supported ; I hope your Lordship's authority will prevail with Lord Baltimore to recommend it to his Assembly, and wth. the Maryland merchants to consent that the same duty be paid by their ships as is imposed on ours : and this with his Majesty's approbation which I hope will easily be obtain'd, will encourage me and the other trustees immediately to sett about and finish this necessary work. But if any obstruction should happen on the part of Maryland, I doubt not but your Lordship's interest may procure that provision by an act of Parliament to bind both Governments to do that good to themselves and the trade of Great Brittain which their own narrow views will not suffer them to comply with. These are the only acts of a publick nature which are to wait H.M. approbation before they can take effect *etc.* The third is an act for the better and more effectual improving the staple of tobacco, and is almost the same in substance with that pass'd in 1723 by Mr. Drysdale, except that there are some explanations added in this which are said to have been intended by the former tho' doubtfully express'd. As that law continued for three years without any exception taken to it that I ever heard of, and it being found by experience that it did no ways lessen the quantity of tobacco, but amended its quality, I need say nothing more to recommend this to H.M.'s approbation, unless that there is in it one clause not in the former obliging

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the planters to a certain method in the tying up their tobacco which both render it more merchantable and more effectually discover any practices of packing therein trash or bad tobacco. The fourth is an act for preventing excessive and deceitful gaming: being copyed almost verbatim from an Act of Parliament made in the ninth year of Q. Anne, needs no further recommendation than what the wisdom of the British Parliament has already given it. and as I found the evill intended to be remedyed by it there, required equal redress here, in regard of the many loose and idle persons who were got into the same vile way of spending their time; I thought it not improper to apply the same salutary penalties *etc.* The fifth an Act *for the better support of the clergy etc.*, and for better collecting parish levies. By this act many disputes and controversies between the Ministers and their parishioners on the construction of former Laws are removed, the sallary of the Clergy made more easy, and valuable, and a good provision establish'd for building and maintaining suitable habitations for them. And in fine, it is such a beneficial act that the Clergy have great reason to be well satisfyed with it, and I hope it will prove an encouragement to good men to come and settle among us. The sixth, an Act for preventing delays in the Courts of justice *etc.* By this act many inconveniencies which were found in the former laws, particularly in relation to the proceedings in the General Court are removed; for whereas a common action of debt hitherto in the General Court could not be brought to a determinate judgment in less than eighten moneths, and often required a longer time; by the new method of practice established by this act; such a suit must have its determination the second General Court, and in many cases judgment will be obtained the first: and in general all causes whatsoever will now receive a more speedy decision, and with less trouble to the Court. This new method is also more conformable to the practice of the Court of Westminster Hall, and will deserve the more applause on that account. By this also is established a quick and summary way of determining final causes in the County Courts and a restraint laid on bringing appeals (wch. is here in place of writts of error) for trifling causes. And on all these considerations I make no doubt but it will prove a beneficial law, and such as may well deserve to be made perpetual; but at present it is only to be in force for four years, because the Assembly were willing to try the effects of it, before such an alteration was established as this introduces in the method of practice. The seventh, an act to explain and amend the act for declaring the negroe mulatto and Indian slaves within this Dominion to be real estate *etc.* The act now explained was made in 1706 *etc.*, and 'tis said was intended at first to extend no further than to preserve the slaves of persons dying intestate from the ill practices of administrators who generally converted the slaves to their own use rendering

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only to the heir the apprais'd value : but by some other clauses *etc.* it came to pass that people thought themselves enabled to entail their negroes, and divers constructions have been made of that law seemingly contradictory one to another ; such it seems are the difficultys of making a perishable thing governable by the same[s] rules of succession as lands of inheritance. To obviate these inconveniencies and to remove and avoid all doubt and disputes is the design of the act now pass'd ; whereby slaves remain still a chattell in all cases of sale, gift or devise : and the husband by the intermarriage hath the absolute property of all slaves that did appertain to the wife. No entail can be made of slaves unless they are annex'd to entail'd lands ; and even in that case, they are liable to the debts of the tennant intail. And by the latter part of this act another doubt is explained touching a clause of the act for distribution of intestates estates, whereby the widow's right to her share of the real and personal estate of her husband is more clearly settled. These are the principal heads of this act against which great exception is taken by many persons here, who urge that it is hard to vest all the slaves of the wife in the husband who may squander away his estate, sell her slaves, and leave her a beggar. That the subjecting negroes settled with lands in tail to the payment of the debts of the tenant in tail, to the prejudice of him in remainder, is defeating the intent of the first donor, and must render ineffectual all such settlements as are made for the encrease and preservation of the estates in their descendants, inasmuch as lands without slaves are of little value. But it is argued on the other side that the inconveniency to the woman is no greater than if her fortune consisted in money, where the absolute property becomes the husbands and liable to his disposal : that the hardship is much greater when a man marries a woman whose portion is only in slaves, if after maintaining her many years suitable to her rank and degree, and then she dying without issue, her whole estate shall be taken away from her husband ; and that if slaves were to be settled in tail in the same manner as lands, many creditors would be defrauded, and especially the British merchants, who can't be inform'd or always made acquainted wth. such settlements, but generally give credit according to the number of slaves they know a man is possess'd of. These, my Lords, are the arguments for and against the bill, which I submit to your judgment. The eight. An act for making more effectual provision against invasions and insurrections. great part of this act is the same as one pass'd in 1706 and continued by many subsequent acts ; but there being sundry defects in those acts, and the burgesses inclining to continue it further for two [? *years*] only, did accordingly prepare a bill for that purpose : when the Council resolving on a more [? *effect*]-ual security rejected that bill and fram'd this now pass'd ; wherein besides ascertaining of the pay the Militia are to be paid by the publick if they are call'd out into service for above two days at any one time, and their patroling to prevent in the Holydays the consultations of negroes is declared a service for which they are entituled to pay, which was not so before ; guards are also by this act to be appointed by the Governor for the several batteries, and some other necessary regulations for rendring the service of the Militia more effectual. So that upon the whole this is a beneficial law and liable to no exception that I know of, unless that of its being temporary, for three years only, which may be enlarged hereafter. The ninth. An Act for the better securing the payment of levies *etc.* This is the same in substance with an act bearing the same title pass'd in 1723, and being only temporary was expired; There are in this act two new clauses, one to declare what shall be accounted a legal settlement to oblige the parish to maintain their poor; and the other to prevent a very unjust practice of masters of ships in turning away sick and disabled seamen, and so leaving them either to starve, or become a parish charge, both of which are I hope without exception. The tenth. An act for the better regulating and ascertaining the current rates of silver coin in this dominion, and for preventing the evil practice of cutting foreign gold into pieces. The drawing the silver coin out of this country, and introducing in the stead thereof the gold coin, which passes at a greater value was so sensibly felt in the commerce of the country, that is it absolutely necessary to raise the value of the silver in a nearer proportion to that of the gold currency, which yet is much lower than the rates establish'd by the Act of Parliament *etc.* The latter part of this act is intended to prevent a very common but pernicious practice of clipping the gold into small pieces for the conveniency of making up the weight where payments are made in gold. This was first begun in the Northern Governments, where all sorts of coin have been thus clipt and defaced, and has of late been the occasion of passing abundance of counterfeit mettle resembling gold, which has pass'd unobserved through several hands, and the first practicers of this fraud escaped undiscovered. So that it became necessary to put a stop to such an evil wch. I hope this act will effectually do. The eleventh. An act for the better and more effectual putting the penal laws in execution is founded upon the experience of the small effect that prosecutions on penal laws have hitherto had towards the reforming of abuses and punishing offenders, partly through the scruples of some Inferior Courts to take cognizance of penalties of small value, but more especially through the want of knowledge in the persons who practice the law in the County Courts, whereby many judgments on penal laws have been arrested or reversed for defects in the pleadings. This act therefore directs that penalties under 20*s.* may be summarily recovered on the presentment of the Grand Jurys in the County Courts, and that no defect or omission in

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form shall stay or reverse judgments for any penalty under five pounds or one thousand pounds of tobacco. This indeed I am informed is not the practice in England : yet our circumstances differing greatly in respect to the persons practicing the law in our County Courts, make it absolutely necessary to find out a more effectual method of bringing offenders to punishment, than by a strict adhering to forms, lose the effect of those laws which provide for the public peace and the preservation of order in the Government, and justice and morality in the members of the community. The twelfth. An act *prohibiting the exportation of grain in time of scarcity.* As this country has suffered greatly by the avarice of merchants, who for private gain have exported corn and wheat, when the necessity of the inhabitants required rather supplies from abroad *etc* ; and as the prohibitions of the Governour and Council, for want of a law to inflict punishment on the offenders, were fruitless and contemptible : It was high time for ye Legislature to resist so great an evil, especially, when the small crops made the last year, and the great consumption for the support of the stocks of cattle during the course of a long and severe winter threatened the inhabitants with an uncommon scarcity. Therefore this act gives power to the Governour, with the advice of the Council to prohibit by Proclamation the exportation of grain or other victuals when need shal require ; and lays a penalty on the exporter of double the value of the corn exported *etc.* The good effect of this act hath been already felt by preserving for the supply of the inhabitants a great quantity of corn bought up for exportation, and which would certainly have been carried out, notwithstanding my Proclamation, but for this seasonable precaution. The thirteenth. An act *for establishing the fees of certain officers etc.* Here the fees of the Secretary, County Court Clerks, Sheriffs, Coroners and Constables are anew regulated and ascertain'd for the space of three years *etc.* Some new fees are added and others moderated according to the nature of the service ; the former law being expired *etc* ; and because the new regulation in the Courts of justice made it necessary to adapt the fees to the circumstances of the several proceedings and that law being only temporary, it was fit that those fees should remain no longer than the services to which they are suited ; but if upon experience the one be found useful, and therefore thought fit to be continued, the other at the same time will receive its sanction. The fourteenth. An Act *for erecting a town in each of the counties of Spotsilvania and King George* is among the number of publick acts, seeing it is grounded upon the general benefit which the trade of this Colony will receive from it ; For those two counties, especially the former, being greatly encreased in inhabitants and extended on both sides the branches of Rappahannock River, and being obliged to bring their tobacco to the first landings where that river is navigable, which is just below the Falls : their industry has been hitherto much discouraged for want of convenient storehouses to lodge their commodities, and much more for being deprived of the oppertunity of selling the same to advantage, the land on both sides that part of the river being held by private persons, who not only exacted exorbitant prices for storage, but endeavoured to engross the whole trade themselves, since no other merchant could settle there without the consent of the owners, which was not to be obtained. To remove these inconveniencies it was judged expedient to appropriate 50 acres of land on each side that river, and to lay it out into lots, for the use of such as shal be inclined to build warehouses or fix stores of goods there for the benefit of those remote inhabitants. And that the owners of the land might have no reason to complain care is taken to give them a very considerable recompence of no less than forty shillings for each acre ; which in truth is sometimes as much as lands in those parts commonly are sold for ! tho the owners of those lands have unwillingly parted with their property for this use, and threaten to attempt the repealing this Act ; yet I must declare their complaints are founded, more on their humour and passion than on reason. For the Assembly had no other means to relieve the hardships of the Frontier people, and what they have now done is, with remarkable regard to justice and to the interest of ye proprietors if they know when to be contented ; since both their present recompence is very sufficient, and the future value of their adjacent lands will be considerably augmented, if, as 'tis hop'd, those design'd towns come once to be peopl'd. So that I hope your Lordships will give little attention to the very unreasonable clamours of private persons, in a matter wherein the publick is so much benefited, as, with submission, I think it is by this act. The Fifthtenth. An act *for encouraging adventurers in Iron-works.* This Act exempts the servants and slaves employed in any iron-work already sett up, or which for the space of 21 years next coming shall be sett up, in this Colony, from the payment of all publick County or Parish taxes for five years, after the end of this Session of Assembly, or for five years from the begining of their respective undertakings. They are also to have roads and bridges made for them by ye Countys in which they are erected, and to have some other priviledges of less moment, that the persons employ'd in those works, which require constant attendance, may not be diverted from their business. I doubt not your Lordships are well satisfied that the making and carrying to Great Brittain pigs of iron is of great advantage to the trade thereof, as well as to the benefit of this country ; and that such encouragement as the Assembly have thought fit to allow by this Act, will meet with all fitting countenance from your Lordships Board. The Sixthtenth. The Act *for raising a publick levy* being what passes in course every Session, for the payment of the publick tobacco debts, all that I shal remark thereon is, that seven

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and a half pounds of tobacco p. pole for near two years publick charge, is an evidence of the usefulness of the duty lately laid on liquors, which has thus lessened that Pole Tax, so as to render it thus easy to the people. Having thus gone through the several Acts which are of more general concernment, it remains that I make mention of the few others which are calculated for remedying particular inconveniencies. Such are The 17th. An Act *for dividing the County Henrico.* The 18th. And an Act *for erecting a new county on the heads of Essex, King and Queen, and King William Counties.* These two are occasioned by the earnest desires of the people in those parts of the Colony who having since the formation of those first Counties extended their settlements far from the usual places of holding their Courts of Justice ; the Assembly have for their ease erected two new counties whereby the inhabitants may with more conveniency attend their Courts, be ready at the Musters of the Militia and other publick meetings. The 19th. An Act *for killing squirrels and crows in the counties of Accomack and Northampton.* It seems these two counties are more than any other in the Colony infested with these destroyers of the fruits of the earth. Whether their nearness to Maryland, on the eastern shore, where the like law has subsisted many years, has driven them to seek after a safe retreat elsewhere, or what other cause it be, the people have laboured for some years past to obtain such an Act as is now pass'd, whereby every master of a family is obliged to kill or cause to be kill'd six squirrels or six crows for every tithable person in his family, under the penalty of three pounds of tobacco for every one he is deficient in, to be applied for lessening the County levy. And this to continue for three years, by which time the people are in hopes to free themselves from the injuries they receive from these enemies to their crops. The 20th. An Act *for dissolving the present vestry of the parish of Elizabeth City etc.* This was obtained from the general complaints of the inhabitants of that parish, of many irregular proceedings of the said vestry, and upon an hearing of the parties there being found some reason on the part of the petitioners, it was thought fit to allow them a new choice. But whether the justice and consideration of the new vestrymen will be greater than that of their predecessors must be left to time. All I shall say of this bill being, that it is sometimes necessary to yeild to popular humours, where the publick receives no prejudice by it, rather than to increase discontents for the sake of private interest. The 21st. An Act, *to prevent swine running at large within the the limits of the town of Norfolk* is of the same nature with others pass'd in former Assemblies in favour of particular townships and therefore needs no comment, since the reasons for restraining those kind of creatures are obvious. The 22nd. There is one private Act which still remains, that pass'd this Session, and that is an Act *to enable William Farrer and Thomas*

Farrer to sell and convey certain entail'd lands, and for settling other lands and negroes of greater value to the same uses. As your Lordships will be attended by the person concerned for obtaining H.M. Royal approbation ; I need only to observe that this bill has pass'd in all the forms required by H.M. Instructions and as no one offered to oppose it here, I must believe that all parties are entirely satisfied with the exchange proposed thereby, and desirous of its receiving that sanction which is necessary to secure their respective interest. I have further to acquaint your Lordships that towards the end of this Session, the Burgesses had under consideration the great loss and inconvenience which this Colony sustains by being deprived of the liberty of stemming tobacco ; and agreed upon an address to H.M. and a Petition to the House of Commons for repealing that part of a late Act of Parliament whereby the importation of tobacco stript from the stalk is prohibited ; in both which the Council concurr'd with them. The reasons suggested for altering the Law in this particular, are at large sett forth in the said Address and Petition, and in the Journal of the Council in Assembly of the 28th of March, to which I beg leave to refer, without offering any opinion of my own further, than that having discoursed with many persons concerned in the trade, I find it generally agreed that abundance of good tobacco is now thrown away, which would have been ship'd home had the planters been at liberty by stemming to separate it from that part of the leaf which is really bad ; and it seems to be also agreed that much of this kind of tobacco thrown away by the owner is yet by their servants and slaves made up into bundles and sold at a small price to sailors, who can have no other view of profit thereby than the running it without paying the duty ; and if this be so, as I have great reason to believe it is, I doubt not, this application of the Assembly will meet with a favourable reception. I must not omit informing your Lordships of one thing which has occasioned a difference between the Council and Burgesses this last Session, and which, I am apprehensive, may afford matter of discontent in future Assemblies. The Burgesses past a resolve for paying their own attendance in Assembly out of the publick funds raised by the duty on liquors at the rate of tenn shillings for each hundred of tobacco allowed them by law. This resolve being sent up to the Council for their concurrence, was rejected : whereupon the Burgesses immediately prepared a bill to apply the money in the Treasurer's hands towards the discharge of their salarys ; but this proceedings was so much dislik'd by the Council that the bill was thrown out by a greater majority than had voted against the resolve, to the great discontent of the House of Burgesses at their second disappointment, and it cost me no small trouble before I could bring them again into temper. The Burgesses insist that the duty on liquors being laid for lessening the levy by the poll, the payment of their salaries is one of the uses for which it was appropriated; since that must otherwise be raised by a poll tax on the people, and that it has been so discharged in four successive Sessions: viz. two in the time of Govr. Spotswood and two in the time of Govr. Drysdale. On the other hand the Council urge that the levies intended to be lessen'd by the duty have ever been understood to be no other than the publick levy chargeable equally on all the people of the Colony; whereas the sallaries of the Burgesses are chargeable only on the inhabitants of the respective Counties by whom they are chosen; and that it would be an unequal distribution of the publick money to allow the same share of it to a county which has a thousand tithables as one that has three thousand; that when the payment of Burgesses was first introduced, there was a considerable sum in bank, but that now there is not so much as will refund the money appropriated for the encouragement of the hemp manufacture, which has since been applied to other public uses; and lastly, that the Act of Assembly having expressly appointed the Burgesses to be paid by their Counties, the Council cannot consent to their being paid in any other manner whilst that Act subsists. Thus I have stated to your Lordships the ground of this dispute, and can't help saying that I'm much concerned it should arise under my administration; being convinced that 'tis not yet ended! And am therefore very desirous to receive your Lordships commands in what manner I am to act if any such resolution of the Burgesses should be taken hereafter; since it may happen that by the change of persons in the Council, or by the necessary absence of some of those gentlemen who have now opposed this way of payment, a contrary vote may be carried in both Houses, and then it will rest solely upon me either to dissolve the Assembly by my dissent, or by my assent to lessen the publick fund which may be necessary to be employed for more publick services. And herein your Lordships Instructions shall be my guide. I have but one thing more to mention relating to the proceedings of the Assembly and that concerns my self, on the 27th of February the Burgesses pass'd a vote for presenting me with the sum of five hundred pounds curr., and by their address to me at the conclusion of the Session, have in very obligeing terms requested my acceptance of it; but as I [*am strictly ty?*]ed up by my Instructions not to accept any present from the Assembly, I must humbly entr[*eat*] yo[*ur*] Lordships favour so to represent this act of generosity of the Assembly, as that I may obtain H.M. permission to accept thereof, which I hope will not turn to the prejudice of H.M. service, having fix'd it as my unalterable resolution that my private interest shal never divert me from the pursuit of my duty; and I hope it may not be impossible to promote the interest of the Crown and at the same time preserve the goodwill of the people. Having now done with the transactions of the Assembly and designing to treat of the other affairs of the government in a letter apart, I shall conclude *etc. Signed*, William Gooch. *Endorsed*, Recd. 30th July, Read Oct. 8th, 1728. *Torn.* $7\frac{1}{4}$ *pp.* [*C.O.* 5, 1321. *ff.* 39, 40–43*v.* (*with abstract*).]

June 8. Virginia.

261. Lt. Governor Gooch to the Council of Trade and Plantations. Since my last of the 14th of February, I had the honour to receive your Lordships of the 12th of December; and take this first oppertunity to make my humble acknowledgments for the expressions of your Lordships favours to me. I now send by the conveyance of Mr. Randolph the Council Journals and other publick papers required by my Instructions, and shal only trouble your Lordships with some few notes thereon. Sometime since I informed your Lordships that pursuant to your commands I had caused the opinion of the Attorney and Sollicitor General to be regist'red in the proper offices: and in the Council Journal of the 21st of March your Lordships will be pleas'd to observe a determination agreable to that opinion of some disputes between the King's officers, and the agent of the Proprietors of the Northern Neck in relation to sundry fines and forfeitures that have heretofore accrued in that territory, and rules laid down for the better collecting such of them as may hereafter become due to H.M., which will prevent all controversy for the future. Having according to what I advised your Lordships in my last given commission to Mr. Byrd, Mr. Fitzwilliams and Mr. Dandridge three of the Council to meet the Commissioners of Northern Carolina in order to settle the boundaries. They mett at Currobuck Inlet on the 5th of March, and with much labour and difficulty proceeded about 70 miles on the line as your Lordsps. will find by their Journal which is now sent markt No. 1. But to the great surprize of all who had read the report of former Commissioners, it is now found that instead of gaining a large tract of land from North Carolina, the line comes rather nearer to Virginia than that which Carolina has always allow'd to be our bounds: (I have herewith sent the plan). This mistake has proceeded from a false observation of the Latitude, and from not adverting to the variation of the compass which is now found to be 3° from the true west point; yet as it is necessary to put an end to a controversy, which, it seems has been for many years attended with much inconveniency to both Governments, and no small detriment to private persons, whose debtors found a safe retreat within the bounds in dispute, where the laws of neither Province could reach them, so it will be a considerable augmentation of H.M. Revenue that the boundaries in the inland part of the country and towards the Mountains be fix'd, the uncertainty whereon has hitherto discouraged the people from taking up H.M. lands, and making settlements on that frontier. To this purpose the Commissioners are again to meet in September to perfect that work; and though the expence thereof is like to prove considerable, I hope it will be more than recompenced in a few years by the increase of H.M. quit-rents, and other advantages as well to the trade as to the security of this country. Upon the arrival of H.M. ship the *Biddiford* about the middle of April and the intelligence the Captain mett with at sea, that several Spanish privateers were fitting out in the West Indies for cruising on this coast (which report was confirmed by the masters of several sloops trading that way) I judged it necessary by an Order in Council of the 17th of last month to lay an embargo on the merchant ships and to permit none to sail hence but under the convoy of the man of war the Captain whereof (who is a very diligent officer) has undertaken from time to time to conduct them in safety off this coast, whereby it is to be hop'd the designs of the enemy will be disappointed, who, 'tis believed, will exert themselves with uncommon vigour, by how much they perceive the nearer approach of Peace, which, I hope, is not now far off. The surprizing number of caterpillars with which this Colony was infested in the spring of the year, together with the misfortune of a very short crop of corn the last year, gave the people terrible apprehensions of the consequences (and for which I appointed a fast) but God has been pleased to remove the one with very small damage to the fruits of the earth, and the other, I hope, is in a great measure remedied by the seasonable prohibition of the export of grain, which, with the near approach of the wheat harvest, of which there is a prospect of a plentiful crop, will afford a sufficient supply for the necessities of the inhabitants—I have only this further remark to make on the Journals of the Council that the great number of petitioners for land mentioned in the Minutes of the 8th of February, and the publick accounts which go herewith, will be an evidence of the increase of the Colony, and the flourishing condition of the King's Revenue, nor is there any reason to doubt, but that the Customs at home will still be augmented by the export of tobacco, the product of those new settlements. I shal by the next conveyance send your Lordships a list of gentlemen fit to serve at the Council Board ; and lay before your Lordships a state of the Stores of War. And by the same opportunity shall present to the Board of Ordinance our wants of that kind, which I hope to obtain the more easily upon the happy conclusion of that Peace now negociating ; for even then our coasts, nay I may say our roads and harbours in all likelihood will be infested with pirates. I informed your Lordships by a letter in a Bristol ship, I think it was, that altho' my orders were as quick as possible, the masters of the ships, taken in September last, were in three days with the men they had with them all dispers'd, and I could get no further knowledge of them ; and this letter was sent 19th Oct. and this is the substance of it. I thought it best to send all the publick papers in a box directed to your Lordships by Mr. Randolph, with orders to deliver them himself without the charge of postage, which I

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was sensible would amount to a considerable sum : to forward this by post as soon as he arrives in England, and in this I hope I have not err'd *etc.* *Signed,* William Gooch. *Endorsed,* Recd. 30th July, Read 8th Oct., 1728. *Holograph.* 1¾ *pp.* *Enclosed,*

261. i. List of papers enclosed. ½ *p.*

261. ii. (*a*) Proclamations by Lt Governor Gooch, April 17, 1728, prohibiting the entertainment of sailors belonging to H.M. ships of war *etc.* (*b*) Proclamation, 27th April, 1728, prohibiting the exportation of grain *etc.* (*c*) Proclamation, 27th April, 1728, appointing a day of fasting, " Whereas it hath pleased Almighty God in a very surprising and unusual manner to overspread this Dominion with vast multitudes of catterpillars " *etc.* *Endorsed,* Recd. 30th July, 1728. 3 *pp.*

261. iii. Journal of Commissioners for settling boundaries betwixt Virginia and Carolina. 5th March—5th April, 1728. *Signed,* W. Byrd, R. Fitzwilliam, W. Dandridge. *Same endorsement.* 9⅓ *pp.*

261. iv. Account of H.M. Revenue of Virginia. 25th Oct. 1727—25th April, 1728. *Totals,* £7736 8 2¼, including balance brought forward, £6304 6 11¼. Disbursements, £2431 13 2½. Carried forward, £6304 15. *Signed and sworn by* John Grymes, Recr. General. *Audited by,* Henry Willis, Depty. Auditor. 2 *pp.*

261. v. Account of H.M. revenue of Quit rents, 25th April, 1727—1728. *Totals,* £6176 0 11¾, including balance brought forward, £3277 3 10¼. *Expenditure,* £1069 0 2. Balance carried forward, £5107 0 9¾. *Signed* as preceding. *Endorsed* as *No. ii.* 4 *pp.* [*C.O.* 5, 1321. *ff.* (*including abstract*) 44—45, 46*v.*—50, 51*v*—56*v.*, 57*v.*—60*v.*, 61*v.*]

June 9.
Virginia.

262. Lt. Governor Gooch to the Duke of Newcastle. I have now the honour to convey to your Grace the journals and acts of a General Assembly, which has been lately held here, and wherein there are many things past, which I hope may be of singular benefit to this Colony, Your Grace will be attended by a Gentleman of this country, one Mr. Randolph appointed by the Assembly to bring over an Address to H.M. and a petition to the House of Commons for taking off the prohibition laid by Act of Parliament on the importation of stemm'd tobacco which is represented to be as greatly to the prejudice of H.M. Customs, as it is injurious to the Planters here, a considerable part of whose labour is rend'red useless by it. I am perswaded, if nothing else stands in its way, I need use no arguments to induce your Grace to favour this representation, where the King's interest concurs wth. the benefit of his people. I shal not trouble your Grace with any observations on the Journals of the Council or other publick papers which go with this conveyance : but beg leave humbly to recommend the case of one Sarah Williamson a poor Indian woman convicted here for the supposed murder of her own child, though she was then a married woman, and not under any temptation to conceal the birth of it. There were indeed very strong presumptions but no possitive proof of her guilt: but her Christian behaviour during the time of her tryal and imprisonment, her resignation under her sentence, her willingness to die, and at the same time her constancy in denying the fact, with some other circumstances, perswade me that she was not guilty, and that her ignorance betray'd her into the resolution of burying the child privately, which she constantly affirms was born dead. Wherefore I humbly pray your Grace so to represent this state of her case to H.M. for his royal mercy, that she may be put into the next Newgate pardon as has been the practice heretofore in cases of the like nature, or that I may have H.M. warrant for passing her pardon under the seal of this Colony. I very much depend upon your Grace's favour, that I may be allowed to accept of the present made to me by the Assembly, and which, by their Address to me at the conclusion of the Session, they did in very obliging terms request my acceptance of, 'twas £500 curr. wch. is, if anything, but little more than £400 ster. Living here my Lord Duke is much more expensive than formerly, and not many years since £300 would have done as much as £700 will do now. I am above all things intent upon the faithfull discharge of my duty to my Royal Master *etc.* *Signed,* William Gooch. *Endorsed,* R. July 30th. *Holograph.* 1 *p.* *Enclosed,*

262. i. Address of the Council and Burgesses of Virginia to the King. Your Majesty's most dutiful and loial subjects *etc.* having experienced the late Act of Parliament, whereby the importation of tobacco stript from the stalk is prohibited, are persuaded, that on the one hand the industry of the planter is greatly discouraged, and bad and unmerchantable tobacco shipped off from hence is increased, while a greater quantity of a better sort of tobacco is suppressed; and, on the other, your Majesty's Customs are considerably diminished, and many frauds in the running such tobacco are introduced and encouraged. In consideration whereof we presume in all humility to apply to your sacred Majesty and at the same time to petition your Parliament for relief *etc.* *Propose* repeal of part of said Act. *Signed,* in behalf of the Council, Robert Carter; Jn. Holloway, Speaker of the House of Burgesses. *Endorsed,* Rd. Novr., 1728. 1 *large p.* [*C.O.* 5, 1337. *Nos.* 42, 43.]

June 9.
Salop.

263. Capt. Bowdler to the Council of Trade and Plantations. Describes unhealthy position of Fort King George *etc.* *Signed,* John Bowdler. *Endorsed,* Recd. 11th, Read 13th June, 1728. *Addressed.* *Postmark,* Shrewsbury. 1 *p.* [*C.O.* 5, 360. *ff.* 70, 70*v.*]

1728.
June 12.
St. James's.

264. Order of King in Council. Repealing Act of St. Christophers *repealing an Act for settling* £2000 *on Governor Hart etc.*, in accordance with the report of the Council of Trade (*v.* A.P.C. III, 147). *Signed*, Temple Stanyan. *Endorsed*, Recd. 19th Oct., Read 20th Nov., 1728. 2 *pp.* [*C.O.* 152, 16. *ff.* 359, 359*v.*, 360*v.*]

June 12.
St. James's.

265. Order of King in Council. Confirming Act of St. Christophers, *against covenous and fraudulent conveyances*, the Committee of the Council to whom it and the representation upon it were referred having heard Counsel for both parties, and reporting that the main objection is the loss of a small casual profit to the petitioner against it, and agreeing in opinion with the Lords Commissioners for Trade, that the same ought not to stand in competition with so great and general a good, as in all probability will result to the inhabitants and commerce of St. Christophers from this Act. *Signed and endorsed as preceding.* 2⅓ *pp.* [*C.O.* 152, 16. *ff.* 361—362*v.*]

June 12.
St. James's.

266. Order of King in Council. Approving drafts of Instructions for Lt. Governor Pitt and appointing Councillors proposed *etc. Signed*, Temple Stanyan. *Endorsed*, Recd. 19th Oct., Read 20th Nov., 1728. 1⅓rd *pp.* [*C.O.* 37, 12. *ff.* 31, 31*v.*, 34*v.* ; *and* 5, 193. *ff.* 601, 601*v.*]

June 12.
St. James's.

267. Order of King in Council. Approving draughts of Additional Instructions for the Governors of New Hampshire, the Massachusets Bay, Rhode Island, Connecticut, New York and New Jersey, directing them to be aiding and assisting to H.M. Surveyor Generall of the Woods and his deputies *etc. Signed and endorsed as preceding.* 1 *p.* [*C.O.* 323, 8. *No.* 96 ; *and* 5, 194. *f.* 411.]

June 12.
St. James's.

268. Copies of above Instructions to Governor of New Hampshire and Governor and Company of Rhode I. [*C.O.* 5, 194. *ff.* 412, 416.]

June 12.
St. James's.

269. Order of King in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 14th June, 1728. 1 *p. Enclosed*,

269. i. Petition of Francis Whitworth to the King. There is no salary attached to the offices of Secretary of Barbados, Secretary to the Governor, Secretary to the Governor and Council and Clerk of the several Courts, to which offices petitioner was appointed in 1718. He is at very great and constant expence in providing an office and stationary ware, and clerks to make copies of Minutes and Acts. There is due to him from the Public for fees

from 2nd April 1719 to 1st March, 1726, £1333. 12. 6. *Prays* H.M. to recommend to the Government of the said Island payment thereof. *Signed,* Frans. Whitworth. *Copy.* 1½ *pp.*

269. ii. Account of F. Whitworth *as preceding. Signed,* Frans. Whitworth. *Copy.* 1¾ *pp.* [*C.O.* 28, 19. *ff.* 184, 185—186*v.*, 189*v.*]

June 12. St. James's. **270.** Order of King in Council. Referring to Committee representation of 10th Nov. 1726 on the Bahama Islands. *Signed,* Temple Stanyan. *Endorsed,* Recd. 19th Oct., Read 20th Novr., 1728. ¾ *p.* [*C.O.* 23, 2. *ff.* 178, 179*v.*]

June 12. St. James's. **271.** Order of King in Council. The representation of the Board of Trade upon Col. Philipps' memorial is referred to a Committee of the Privy Council. *Signed,* Temple Stanyan. *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. 1 *p.* [*C.O.* 217, 5. *ff.* 93, 94*v.*]

June 12. St. James's. **272.** Order of King in Council. Referring to a Committee of the Privy Council the petition of Duke of Montagu for a grant of Tobago *etc.* and the report of the Council of Trade thereon. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 28, 20. *ff.* 64, 65*v.*]

June 12. St. James's. **273.** Order of King in Council. Approving draught of Instructions for Governors for the alteration in the prayers for the Royal Family *etc. Signed and endorsed as preceding.* 1 *p.* [*C.O.* 323, 8. *No.* 94.]

June 12. St. James's. **274.** Order of King in Council. Approving new Seals for Massachusets Bay, New Hampshire, New Jersey and the Bermuda Islands, and ordering warrants to be prepared for Governors to use them and return the old ones. *Signed,* Edward Southwell. *Endorsed,* Recd. 11th, Read 16th July, 1728. 1 *p.* [*C.O.* 5, 870. *ff.* 117, 118*v.*]

June 12. St. James's. **275.** Order of King in Council. Referring representation on petition of John Elliot to the Lords Commissioners of the Treasury, "to do therein for the petitioner as to their Lordships shall seem proper." *Signed,* Temple Stanyan. *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. 1 *p.* [*C.O.* 5, 870. *ff.* 125, 126*v.*]

[June 12.] **276.** Memorial of loss and damage (£2611. 18. 9) sustained by Thomas Rudge of Portsmouth, owner of the *Killmiston* and part cargo, and John Govan of London and the estate of John Cawood, decd., South Carolina, and Samuel Hawling, owners of part cargo (deerskins and rice), captured by a Spanish privateer, July, 1727, in her voyage from Charles Town to London. *No signature or endorsement.* 1 *p.* *Enclosed,*

276. i, ii. Accounts of above goods. *Signed,* John Govan. *Endorsed,* Recd. 12th June, 1728. 2 *pp.*

276. iii. Memorandum of vouchers. [*C.O.* 388, 27. *Nos.* 67, 67. i—iii.]

[June 12.] **277.** Memorandum of vouchers, mislaid, for the losses of the *William and Cord* of New England. *Slip.* [*C.O.* 388, 27. *No.* 68.]

[June 13.] **278.** Memorial of loss and damage (£64. 4. 2) sustained by Joseph Judge, of ye Pyde-Bull without Temple Barr, for goods consigned by him to John Osborne and Company merchants at Boston, on board the *Anne* brigantine, Thomas Jenkins master, and captured 17th May, 1727 by a Spanish ship, in her voyage from London to Boston. *No signature, date or endorsement.* 1 *p.* [*C.O.* 388, 27. *No.* 69.]

[June 13.] **279.** Invoices of goods shipped on board the *Anne* (*v. preceding*) the property of and consigned to Capt. Gilbert Bant (£44. 18. 2), Andrew Faneuill (£257. 3. 8), Thomas Fitch, (£402. 10), John and James Alford (£181. 19. 2). 5 *pp.* [*C.O.* 388, 27. *Nos.* 70—74.]

[June 13.] **280.** Accounts of goods shipped on board the *Anne* (*v. preceding*) belonging to Parkin and Stilwell, Ironmongers, in Foster Lane (£160. 10. 10); and of goods consigned to Samuel Banister of Boston (£354. 10); Thomas Clement of Boston, (£282 16 1¼); Joshua Winslow, merchant, Boston (£154). 6 *pp.* [*C.O.* 388, 27. *Nos.* 75—78.]

June 13.
Charles Town,
So. Carolina.

281. President Middleton to the Duke of Newcastle. I am sorry we are obliged soe often to represent to the Government the difficulty we labour under, from the new scituation of St. Augustine to this place, who without any regard to peace or warr, doe continually annoy our southern frontiers. The hostilitys they commit upon us may be rather termed robbery murders and pyracys, they acting the part of bandittis, more then soldiers, theire cheife aim being to murder and plunder. Wee formerly complained of their receiveing and harbouring all our runaway negroes, but since that they have found out a new way of sending our own slaves against us, to rob and plunder us: They are continually fitting out partys of Indians from St. Augustine to murder our white people, rob our plantations and carry off our slaves, soe that wee are not only at a vast expence in guarding our southern frontiers, but the inhabitants are continually allarmed, and have noe leizure to looke after

1728.

theire crops. The Indians they send against us are sent out in small partys headed by two three or more Spaniards and sometimes joined with negroes, and all the mischeife they doe, is on a sudden, and by surprize: and the moment they have done it, they retire againe to St. Augustine, and then fit out againe, so that our plantations, being all scattering, before any men can be got together, the robbers are fled, and nobody can tell how soon it may be, or where they intend to make theire next attempt: This trade they have followed these twenty yeares, and is a very greate discouragement to the settlers of our southern frontiers to be always obliged to hold the plough in one hand, and the sword in the other. I shall not now repeat the representations formerly made on this score, but confine myself to what has happened of late. In August 1726, the Governor of St. Augustine fitted out a small party of Cussuba Indians from thence, who came upon Trenches Island (within ten miles of Port Royall) murdered and plundered one Richard Dawson and his wife. In Sept. 1726 they fitted out a small party of Yamasee Indians, abt. seven in number, who entring the house of Mr. John Edwards on Combahee River (within six miles of Port Royall) and haveing murdered him, they tooke away all his household goods and four negroes and carryed them to Augustine, where they were seen by several of our people, who were afterwards carryed there prisoners themselves. In June last, the Governour of St. Augustine, fitted out a party of Indians, who comeing into the settlemts. on the back of Port Royall, they first murderd., and then plunderd, one William Lavy and John Sparkes, spareing the lives of their wives, but told them there was a large party both of Indians and Spaniards fitting out from St. Augustine who had received orders from the Governour to spare noebody. On the 23rd or 24th of July last one Capt. Smalwood as he was going up to his tradeing house at the forks at Alatamaha neare H.M. Garrison in his perriaugua with four others namely John Annesley, Charles Smith, Joseph Abbot and John Hutchinson were sett upon by 34 Indians that came from Augustine, 26 whereof were Yamasees, who have sheltered themselves under that Castle for several yeares past, and murdered and scalped all the five persons abovementioned, and then robb'd them of all they had on board, to the value of £300; After this they broke open the store and tooke from thence 3000 deerskins, besides Indian tradeing goods. At the same time they tooke three others prisoners, one John Gray and William Gray and one Beans, and carryed them to St. Augustine where they were all imprisoned by the Governour for several months; The Governour of St. Augustine received these Indians with a great deale of pleasure and satisfaction, and paid them for the scalps of those they had murthered. Whilst the Grays remained prisoners at St. Augustine the Governour fitted out about 48 Indians more, headed by two Spaniards. The Indians informed the said Grays that theire orders were to kill and destroy all the white persons they could and take what negroes they could, that the Governour of Augustine had promised 'em 30 peeces of eight pr. head for every white man's scalp and 100 for every live negroe *etc.* These were supposed to be the party of Indians that soone after murthered one Henry Mushoe and Hezekiah Wood within the body of the settlement of this Province, and carryed off ten slaves; At the same time the Indians set upon Mushoe and Wood, the Indians (out of respect to Wood) would have saved his life, but a Spaniard tooke up a billet of wood and knock'd out his braines; These were pursued by a party of 15 of our men, under Capt. John Bull, who retooke all the said negroes and plunder, killed six Indians and one Spaniard they found the next day and wounded many more of the Indians, who dyed in their returne, soe that but few of them arrived at St. Augustine and we lost one white man in the engagement; The Governour of Augustine seemed extreemly troubled at this repulse made by Capt. Bull and to prevent the Yamasees from being discouraged, he sent up to the Creeks to joyne 'em and made another attempt. On 26th Sept. last the Governour of Augustine fitted out two perriauguas manned with six of our runaway slaves and the rest Indians who came upon Trench Island and set upon the house of one Alexander Dawson, where they killed and carryed away four children and four men and women. The Indians would have murtherd them all, for the sake of the scalps, but this time the negroes would not agree to it, and the Spaniards themselves told Dawson, when he, together with some of the rest, were carryed prisoners into St. Augustine, that the Governour had agreed with the Indians to give them 30 peices of eight for each white man's scalp and a hundred peices of eight for each negroe. It seems the Governour of St. Augustine makes merchandize of our slaves, and ships them off to the Havanah for his own profit, as we are told by the Spaniards themselves at Augustine. In January last was twelvemonth, they also surprized one of the souldiers of H.M. garrsion at Alatamaha, and carryed him prisoner to St. Augustine. About 15th July last a Spanish Capt. with five souldiers came up to our Creeks and made presents to the Indians, and perswaded them to tye all our Indian traders and packhorse men, and carry them to St. Augustine but the Indians refused. About 20th Oct. last, the Governour of St. Augustine fitted out a schooner mann'd with Spaniards and our own runaway slaves to steal other slaves, and rob our plantations along the coast, who entring North Edisto river surprized the plantation of one David Ferguson, plunderd it, and carryed away seven slaves. When this was complained of to the Governour of St. Augustine, he pretended they were pirates and had no authority for it, when at the same time we had several prisoners at Augustine who saw the said schooner fitted out by the Governour's orders. By reason

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of these continual depredations and robberys committed on the Southern frontiers, the inhabitants are continually allarmed, and the companyes forced to be kept under arms almost perpetually, their plantations run to wreck, and the people (tired out with fatigue) were all about to desert the most valuable part of the country. At the same time our merchantmen were daily taken off our harbours, by vessells fitted out from the Havanah ; Upon these emergencys I called the Assembly together the 27th of August last and upon matnre advice with my Council, wee agreed to form a party of 100 white men and about 100 Indians to goe and cut off these Yamasees *etc.*, and sent them under the command of Col. John Palmer. Coll. Palmer on his march was informed that they had sheltered themselves in an Indian towne neare the Castle of St. Augustine. Coll. Palmer by secret marches in the night arrived undiscovered on 9th March. He fell upon the Indians at breake of day, and killed about thirty, and tooke about fourteen prisoners and wounded several more, but offered noe injury to the Spaniards, altho' it was in theire power to have cut off theire whole towne (lying without theire garrison). For I had given express orders not to molest any of the Spaniards, but we think it an extreem hardship that the Spaniards should daily head the Indians and our hands be tyed up. I earnestly entreat your Grace that we may have some special Instruction on this behalf. Our party set fire to an Indian towne and plunderd an Indian Church, and tho' we offered noe injury to the Spaniards, they fired all theire cannon on our men from theire Castle walls for three days successively. There was another expedition intended to be formed of 300 men to be sent against the lower Creek Indians, who were too buisy in joyning the Yamasees in some of these incursions. But the Creeks being brought to reason by our Agent, that expedition fell to the ground, which saved several thousand pounds expence. Much about the same time I was obliged to fit out a sloope under the command of Capt. Thomas Mountjoy mannd with 90 men to protect our coast from the Spaniards who tooke our vessells off our harbour daily. Indeed I could not tell but that they were Spanish pirates at first, for I was not under any apprehensions of a warr between the two Crowns at that time. Inclosed is the Commission and Instructions I gave to the Commander. All these matters were carryed on by the unanimous consent of H.M. Council and the Lower House of Assembly and agreable to H.M. 95th Instruction. But when the moneys come to be raised, the Assembly according to their wonted custom, would agree to raise no moneys, but what should come out of the bills which by law and H.M. Instructions were to be burnt or sunck, soe that I was under this fatall dilemma of letting the people be destroyed *etc.* unless I did consent *etc.* Wherefore I hope your Grace will hold me excused for consenting to a thing sore against my inclination and which I could not possibly avoid. Inclosed I send your Grace an attested copy of the resolve of the Lower House wherein they declare that they would do it in noe other manner whatsoever, then out of the fund for sincking these bills ; However I tooke care to continue the sincking fund by the same Expedition Law, as soone as these charges were defrayed, and which are now at an end ; Since the Spaniards have been soe unjust as to misrepresent theire affaires by theire expresses to the Havanah, that they were beseiged by the English with several thousand men, I am apprehensive they will make some use of it at home ; But I assure your Grace there were noe more then 100 white men and 100 Indians, as will appeare by the muster rolls, and that we offerd no hostility to the Spaniards, tho' it was in our power to have done what we pleased, and tho' at the same time in our sight they threw 30 men into an Indian fort to prevent our attacking it. Wee beg therefore your Grace will obtain peremptory orders from the Court of Spaine to theire Govr. at St. Augustine to cease these hostilityes, and in case they continue 'em, wee may have leave from H.M. to doe ourselves justice, for if our hands be soe strictly tyed up, this country will be inevitably lost to the Crown of Great Britain. *Signed*, Ar. Middleton. *Endorsed*, R. Sept. 3rd. 4½ *pp. Enclosed*,

281. i. Act of S. Carolina *for carrying on several Expeditions* against our Indian and other enemies, 1727. *Copy. Signed*, Char. Hart, Secry. 2½ *pp.*

281. ii. Journal and correspondence of Col. Charlesworth Glover, Major David Durham, Commander of Fort Moore, and others, relating to the Creek Indians, March, 1728. *Copy.* 32½ *pp.*

281. iii. Resolution of the Assembly S. Carolina, Sept. 2, 1727, to pay for the Expedition out of the sinking fund *etc. Copy.* ½ *p.*

281. iv. President Middleton's Commission and Instructions to Col. John Palmer to command against the Yamasees. (*v. covering letter.*) *Signed*, Ar. Middleton. *Copy.* 1 *p.*

281. v. Commission of Capt. Thomas Mountjoy for the privateer, *Palmer*, Sept. 5, 1727. *Signed*, Ar. Middleton. *Copy.* ¾ *p.*

281. vi. Instructions to Capt. Montjoy for a cruise against pirates *etc.* Sept. 9, 1727. *Signed*, Ar. Middleton. *Copy.* 1 *p.*

281. vii. President Middleton to the Governor of the Havana. Charlestown. 23rd March, 1727 (1728). I send you these by a flagg of truce to inform your Excellency that in Aug. and Sept. the coasts of this Province were mightily infested and our vessels taken away almost from our very harbours *etc.* I therefore fitted out an armed sloop against pirates, which came up with the *Francis and Rebecca* of London bound from Virginia

1728.

with tobacco, but taken on that coast by Don Antoneo Costaneo Jove, in the sloop *Antoneo* fitted out from the Havana with your Excellency's Commission *etc.* *Returns* the crew that had been put on board to carry her in to Havana, and requests him to call the aggressor to account *etc.* By private letters we are assured that the Treaty between the two Crowns is at last signed, *etc.* *Signed,* Ar. Middleton. *Copy.* 1½ *pp.*

281. viii. Don Dionisio Martinez de la Viga, Governor of the Havana, to President Middleton. Havana. 25th May, 1728. *Replies with compliments to preceding. Continues :*—The sailing from this port of some vessels with letters of marque could not be unexpected, considering the hostilities committed on these coasts by the squadron of Vice Admiral Hosier ever since the beginning of April of the foregoing year, as well as those of a sloop fitted out from Jamaica which cruized off the Cape of San Antonio making prizes of several Spanish vessels *etc.* and if this be permitted to be done by the meanest of H.M. subjects being in perfect peace, as yr. Honr. supposes, (without entering into other proceedings which has been practised in these seas,) *etc.*, your Honour can have no just cause to disapprove our true motives of resentment of such proceedings *etc.* *Explains* that he detained the vessel sent to him till news of the signing of the Treaty was confirmed, and now sends her back with all the prisoners that are there, *etc.* *Signed,* Don Dionisio Marz. de lauizod. *Spanish.* *Copy.* 1¾ *pp.*

281. ix. English translation of preceding. 1¾ *pp.*

281. x. *Same* to *Same.* Havana. 3rd June, 1728. The sloop has been detained twice owing to advices from the fort of Apalache of its being besieged by the Indians and English of your Government. Good motives and reasons sufficient to detain her till that affair was settled, *etc.* *Has decided* however to send back the prisoners *etc.* " promising myself that yr. Honr. will give the necessary orders for the said Indians to retire, supposing that motion did not directly proceed from you " *etc.* *Signed,* Don Diosio de lauizd. *Spanish.* *Copy.* 1 *p.*

281. xi. English Translation of preceding. ¾ *p.*

281. xii. (*a*) [*?Col. Parris*] to Wargent Nicholson, Factor to the Royal Assiento Company in the Havana. Charles Town, March 27, 1728. *Describes* outrages committed on the frontier plantations by Yamasee Indians encouraged by the Governor of St. Augustine. *Continues :*—Then the Governor of St. Augustine sent our Govr. a very impudent sawcey letter, with a message

by the prisoners to know if he was asleep, that he suffer'd his frontier plantations to be cut off *etc.* I was in company with the Govr. when this message was deliver'd him, on which he smiled, and gave orders immediately to Col. Palmer to raise 100 white men and 100 Indians *etc. v. covering letter. Continues*:—There was not a man killed on our side, so that we have now ballanced accounts with them, and they never will come near us more. Palmer had positive orders not to meddle with or hurt one Spaniard *etc.*

281. xii. (*b*) W. Nicholson to Col. Parris. Havana. May 14, 1728. I was glad to see a narrative of your proceedings at St. Augustine, which was much multiplied here, *etc.* The Governor of St. Augustine is privately condemned as the agressor by all the impartial officers here, and the Franciscan Fryers have been a long time expecting such reward to the provocations which they have some of them been eye-witnesses to *etc. Signed,* Wargent Nicholson.

281. xii. (*c*) Col. Parris to [*? President Middleton*]. Charles Town, 1st June, 1728. Encloses above letter (xii. *a*) which has proved of good effect *etc.* Before it arrived, the Governor of St. Augustine had advised the Governor of Havannah that we had invaded him with 8000 men, and how manfully he had defended himself *etc.* The Factor laid my letter before the Governor and Council. The Governor made answer it was a just reward for the provocation the Govr. of St. Augustine has given us etc. *Signed,* Alexander Parris. *The whole 2 pp. Copies.*

281. xiii. Copy of 95th Article of H.M. Instructions to the Governor of S. Carolina, Sept. 20, 1720. ½ *p.*

281. xiv. Muster-roll of officers and men (100) on the Expedition against the Yamasees under Col. John Palmer. 1st May, 1728. *Signed,* William Peter, Capt., John Hunt, Capt., A. Parris, Commissary. *Copy.* 2 *pp.*

281. xv. List of preceding papers. 1 *p.* [*C.O.* 5, 387. *Nos.* 81, 81. i—xv.]

June 14. **282.** Memorial of loss and damage (£1400) sustained by William Brooker of New England, commander and part owner of the *Faro merchant,* seized by the Spaniards at Bilboa. Deposition, *signed,* Wm. Brooker. *Endorsed,* Recd. 15th, Read 19th June, 1728. 1 *p.* [*C.O.* 388, 27. *No.* 27.]

June 18. **283.** Copy of Lt. Governor Pitt's Instructions. [*C.O.* 5, 193. *ff.* 605—702.]

1728.
June 18.
London.

284. Memorial of loss and damage (£1500) sustained by the capture of the *Adventure*, Charles Devon, commander, taken by a Spanish man of war in March, 1727, in her voyage from Salt Tertudos to Piscataqua, N.E., fully laden with salt. *Signed*, Robt. Willimott. *Endorsed*, Recd. Read 20th June, 1728. 1 *p.* [*C.O.* 388, 27. *No.* 32.]

June 18.
London.

285. Memorial and proposal of Thomas Coram of London, Gent. for settling the waste lands between the River St. Croix, the boundary of Nova Scotia and the River Kennebec, the boundary of Maine, N.E. *Cf.* Cal. C.S.P. 1713, 14 *etc.* *Describes* this tract, 150 miles in breadth, its history, and the claim of the Massachusetts Bay to it. *Continues :*—When their Charter was restored under William and Mary, and that grant was ready to pass the seales (exclusive of the foresaid tract which was not so much as mentioned in their petition for the restoration of their priviledges in the said Charter), their Agents vizt. Increase Mather, a teacher of one of their Congregations, Elisha Cooke and Urian Oakes, Phisicians, and — Wiswell a plebean, all 4 cunning artfull men, grasping at vaster territories, with an eye to the foresaid noble tract of country, untruly alleidges by petition that the Massachusetts had taken Nova Scotia from the French (whereas in truth it remained in the hands of the French) *etc.*, and therefore prayed that Nova Scotia, New Hampshire *etc.* might be annexed to the Massachusetts Bay both as to soyle and government, least their settleing Nova Scotia with English families might be retarded; By which fals allegation and pretence they got comprized in that grant Nova Scotia and all the land between it and the province of Main, within which limits is the said tract of country, but with a reservation that they should not grant any lands therein. And thus they once had a title to the Government (but not the soyle) of the land in the said tract, tho' unfairly obtain'd *etc.* Instead of settling Nova Scotia with the English families as they had pretended, they only rebuilt the demolished fort at Pemaquid in 1692, for a shew of their government over the said tract of country, which was all they ever did therein, where they never settled any families to inhabit; they only left a few of their own men, raw undisciplined fellows to be as soldiers in the said fort, in which they remained in a naked and starving condition, and being under the command of a very ignorant and worthless person named John Chubb Governor of the same, they in Sept. 1696, unworthily delivered up the said fort and country upon articles, without the least resistance and surrendered themselves prisoners to two French letter of mart ships that came there and demanded it for the French King, demolished the fort, and according to the said Articles, they carryed off from thence those few New Englanders who were in it, and were all the English in that whole tract of country, and left not so much as any one living English subject in any part of the said land and ilands between R. St. Croix and R. Kennebeck. Upon this easy conquest of the aforesaid tract, the French King commited the Government thereof to his Governor of Nova Scotia, and it remained to the French at and after the Peace of Reswick. In 1698 the French built a church on their said new conquest at the very River Kennebeck for a standing testimony of their right to and possession of the said tract *etc. Refers to B. of T. papers, e.g. Lord Bellomont's letter*, 1*st July*, 1700, *v. C.S.P. No.* 641. *Continues* :—After the receipt of said letter, the Governor of New England had orders from Court to press the General Assembly to repossess themselves of the said tract of country, rebuild the fort and settle families thereon, but they would have no regard to the strongest instances, *etc.*, alleidging (1703) that should they put their Province to the expense of regaining the said tract *etc.*, the land would still be the Queen's, H.M. might give it to whome she pleased *etc.* ; and they affected to apprehend from the advices given them by Sir Henry Ashurst their Agent here, that the Queen had a designe to give the said tract to Col. Dungan (Lord Limerick) for his settling the same with his country folks, Roman Catholicks from Irland, for which reasons they unianemously persisted in their resolution *etc.* Which willfull neglect and obstinate resolutions *etc.* was the better known to your Memorialist at that time, not only from his then living at Boston and his constant observations with concerne *etc.*, judging that large and noble tract may be easily made greatly beneficial to the Crown, beside affording constant supplys of naval stores of every kind *etc.*, but also from his near neighbour and intimate acquaintance Dr. Urian Oakes, then Speaker, by whom he was well informed of everything transacted in that House relating to the said tract of country which continued to remaine to the French, who having their hands full in Queen Ann's warr, forbore further settling the same, whereby it has lain wast and uninhabited (except by a few Indians) ever since. And was recovered to the Crown by Genll. Nicholson *etc.* upon Articles, 1710, which expressly included all the land from Cape Gaspee to the River Kennebeck, which til then was in actual possession of the French King, and by him yealded to the Crowne of Great Britain by the Treaty of Utrecht. Notwithstanding the Massachusetts' wilfull neglect of, and their basely giving up to the French the said noble tract *etc.* ; yet hating that any settlement should be made thereon tho' with the greatest probabilety of future benefit to the Crowne *etc.*, unless to be under their own Goverment (a thing they have always been greedylie grasping at), they continually made most unreasonable opposition aganst the Crownes intrest many years in the latter part of Queen Ann's reigne and the greatest part of the reigne of His late Majesty *etc.*, to prevent your Memorialist and his associates from obtaining permition and encouragement from

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ye Crown to plant an elegant Colony on the said tract *etc.* under H.M. right and Government, whilst he and his associates for several years together used their utmost endeavours for obtaining the same; and for proving those lands to be absolutly in the right of the Crowne, against the unjust claims and pretensions of those violent and obstinate opposers; which was done with great fateigue and expence to your Memorialist. And in case the said noble tract of country in the said Charter had been fairly obtained (as it was not) it is conceived that the Massachusetts so giving it up, abridges at least so much of their Charter. And like to this was the case of Lord Baltemore concerning part of his Province of Maryland laying on Delaware Bay, which he abandoned to the Dutch, and the same being afterward reconquered by the Crowne was thereupon granted (de novo) to James Duke of York *etc.* By these facts it may plainly appear *etc.* that the foresaid tract *etc.* is together with Nova Scotia entirly in the Crowne, and may be disposed of as the King in his great wisdome may think fit *etc.* Wherefore, *etc.*, if the King shall judge it for H.M. service to have the said uninhabited tract settled with inhabitants, for the better producing more certain, future ample supplys of hemp and other naval stores, without further dependancy on precarious supplys from foreigners *etc.*, there are yet a good number of those usefull men who took some share in the great travel and fateigue your Memorialist underwent many years in the two last reignes to obtaine liberty and encouragement to settle a Colony on the said tract *etc.*, still remaining very desirous of the King's favour to grant a settlement for them and their families on the same, under H.M. civil Government to be erected there; and to pay a reasonable quitt-rent in hemp to the Crowne; And as many of those men have been experienced in military service, they would by their building small forts at first with wood and earth, be capable to defend themselves and protect the country without further expence to the Crowne for sending soldiers thither. And when a proper settlement shall be once begun by such vetterns, suiteble inhabitants that occation, under H.M. civil Government, many other usefull people, foreigne Protestants, as well as Britons, would soon settle themselves in a regular and safe manner at their own expence on the encouragement of having a suiteble portion of the said land to be (by some person or persons properly appointed) thereon granted to them and their posterity, paying a quit-rent as aforesaid. And as there will continually be great numbers of future convicts condemned in Great Britain and Irland to serve a term of years in H.M. Plantations; and to be transported thither at the Crown's expence as they are now transported; they cannot be sent to any other part so advantageous to the Crowne, as to employ them under strict and prudent management for the service of H.M. in clearing and cultivating the said wast and derelict land for

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the compleat furnishing in due time ; constant and full supplys of hemp and masts from thence for the Navy ; each convict to have after the expiration of their respective services on the said land, a small portion thereof granted for them and their posterity to settle and inhabit under the like conditions with others of raising hemp and paying quit rent in the same to H.M. for for the use of the Navy. There are also many others, able persons of both sexes, who live in continual danger of being apprehended for criminal practices which by the faults of their parents or otherwise, they are constantly repeating, which renders them a nuisance and a pest to the publick, especially in and about the Cittys of London and Westminster, and they would gladly be rescued from their necessity of commiting those crimes, and the evil consequences thereof, by volentary engaigeing themselves to serve H.M. a term of years in the said tract of country *etc.*, where they might by right management, be encourag'd and renderd very serviceeble, if any proper persons were appointed to receive and transport them accordingly. Many such offensive subjects the French usually send to inhabit in their Plantations, tho' with this differance ; of forcing them, insteed of accepting them as volunteers ; for in 1718, your memorialist being then in Paris, above 800 able-bodied beggars, ballad-singers and other vagabonds were seazed in one day in the streets there, and sent away to Messesipi *etc.* *Proposes* that one of H.M. largest storeships should be detailed to transport emigrants and 2 small sloops to stay there. The storeship on its second homeward voyage to be laden with masts for the Navy *etc.* And forasmuch as such a usefull undertaking will require absolutely to have some person of known integrety and experience in those parts to begin the same, *offers himself in that capacity, etc.* *Signed*, Thomas Coram. *Endorsed*, Recd., Read 19th June, 1728. 12 *pp.* [*C.O.* 217, 5. *ff.* 78—83*v.*, 84*v.*]

June 18. Richmond. **286.** H.M. Additional Instructions to Governors Burnett and Montgomery and to the Governor and Company of Rhode Island and of Connecticut. Whereas We have been graciously pleased to constitute and appoint a Surveyor General of all Our woods in North America with proper Deputys under him in order the better to secure and preserve for the use of Our Royal Navy such trees as shall be found proper for that service, *etc.* you are to be aiding and assisting *them* and give orders to all Officers civil and military to be aiding and assisting them in preventing the destruction of Our woods, and in punishing such as shall be found offending therein. *Signed*, G. R. [*C.O.* 324, 36. *pp.* 73, 74.]

June 18. **287.** H.M. Additional Instruction to Governors of Plantations, to the Governor and Company of Rhode Island and Connecticut, to Springet Penn and Hannah Penn, Proprietors

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and Governor of Pennsylvania and to Charles Lord Baltemore, Proprietor and Governor of Maryland and to the Lords Proprietors of North Carolina. In all prayers, litanies and collects for the Royal Family to be used under your Government instead of the words [H.R.H. the Prince of Wales *etc.*] are to be inserted [Our gracious Queen Caroline, the Royal issue *etc.*]. *Enclosed*, Order of Council 15th June, 1727 to that effect. *Signed*, G. R. [*C.O.* 324, 36. *pp.* 75—80.]

June 20. Whitehall. **288.** Council of Trade and Plantations to the King. *Representation* upon petition of Francis Whitworth (*v.* 12th June). Mr. Whitworth informed us he has no salary for executing the office of Secretary to Barbados, and that the profits accruing to him from his office, do only arise from such reasonable fees, as have for many years past, been in ye said Office. We therefore humbly propose, that his account be transmitted to your Majesty's Governor, and that he, with the Council, do examine and settle the same, and that the paymt. of what shall be found due upon propper vouchers, according to the usual, and accustomed fees given upon the like occasion, be earnestly recommended to the Assembly for immediate payment, and that the said Assembly, do for the future, take care to pay what shall become due to the Secretary for such services, as shall be performed by him or his Deputy for the public. [*C.O.* 29, 15. *pp.* 23, 24.]

June 20. Whitehall. **289.** *Same* to the Governor of Connecticut. *Acknowledge* letter of 18th Sept., 1727. *Continue* :—H.M. having been graciously pleased to constitute us his Commissioners for Trade and Plantations *etc.*, we take this opportunity to acquaint you that it is H.M. pleasure and express command, that the Governors of all his foreign Plantations do from time to time give unto us frequent and full information of the state and condition of their respective Governments and Plantations, as well with regard to the administration of the Government and justice in those places, as in relation to the commerce thereof : and more particularly that the said Governors transmit unto us yearly accounts of their said administration by way of Journal, together with the Acts of Assemblies ; all which things you are therefore accordingly to observe in relation to the Colony of Connecticut. Particularly we desire you to inform us, What number of inhabitants there are ? What of freemen, and what of servants, white and black ? To what degree are those numbers increased or decreased within five years last past ? What is the whole number of the Militia ? What commodities are exported to this Kingdom ? What trade is there, either by exportation or importation with any other place ? And from whence is that Colony now furnished with supplies (particularly of any manufactures) that it was wont to be furnished withall from Great

Britain? How, and in what particulars is the trade of that Province increas'd or decay'd of late years; and what hath been the reason? What are the present methods used to prevent illegal trade? And what further methods do you think adviseable? What number of ships or other vessels are there belonging to that Colony? And what number of seafaring men? What number and what sorts of those vessels have been built there? What manufactures are settled in that Colony of any sort whatsoever? To all which inquiries, we also further desire you to add whatever else you may in your own prudence think conducive to H.M. service, to the interest of this Kingdom, and to the advantage of that particular Colony. We take this opportunity to remind you of sending over a compleat collection of the laws, which has been so often promis'd some years ago, by several Governors, upon letters writ them from the Secretary of this Board for that purpose. [*C.O.* 5, 1294. *pp.* 19—22.]

Similar letters, *mutatis mutandis* and omitting opening sentences, sent 20th June and duplicates in July, 1731, to the Governor of Rhode Island and Deputy Governor of Maryland. [*C.O.* 5, 1294. *p.* 22.]

June 20. Whitehall. **290.** Council of Trade and Plantations to Governor Montgomerie. *Acknowledge* letter of 6th May and *congratulate* him upon his safe arrival. *Continue*:—We don't doubt but that by your prudent administration all differences will be reconcil'd, and you may depend upon it, that nothing shall be wanting on our part, towards making your administration easy. All that we shall trouble you with at present, is, to desire that in your future correspondence with us, all letters or other papers may be sent directly hither under cover to the Board, and that you take care to mention in every letter the ship by which your proceeding letter was sent. [*C.O.* 5, 1125. *p.* 118.]

June 28. Whitehall. **291.** Council of Trade and Plantations to the Duke of Newcastle, In reply to 9th May, enclose following to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

291. i. *Same* to the King. *Representation upon* H.M. possessions in America disputed by the King of Spain and injuries inflicted by the Spaniards on H.M. subjects, *etc.* (*v.* 9th May). Carolina was formerly known by the names of Florida and Carolana Florida; This Province was first discovered by Sir Sebastian Cabot in 1497, who by a Commsision from and at the expence of K. Henry VII, discovered all the coast of America from the 56th to 28th degrees of Northern Latitude, about 30 years before any other Europeans had visited the Northern Continent of America: And it does not appear that ever the Spaniards attempted any discovery of that part of America till 1527, under Pamphilio

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Narvacz, nor any conquest till 1539, when Ferdinando Soto landed upon Florida from the Havana, and wandering over a great part of that country in search of mines which he could not find, died of grief in May 1542, and such of his men as were left alive, returned again to the Havana, without making any settlement on that Continent. The first grants we find, of this country by your Majesty's Royal Predecessors was by King Charles I in the 5th year of his reign to Sir Robert Heath, His Attorney General; In that patent it is called Carolana Florida, and the boundaries fix'd for it, are from the River Matheo, in the 30th degree, to the River Passa Magna in the 36th degree of Northern Latitude. We have good reason to beleive that possession of this country was taken under the said patent, and large sums of mony expended by the Proprietor and those claiming under him, in making settlements there; but whether this grant was afterwards surrendered, or whether the same became vacant and obsolete by non user or otherwise, King Charles II made two other grants of the same country, with some small difference in the boundaries, to the Lords Proprietors of Carolina. The last of these grants bears date the 30th day of June in the 17th year of King Charles the Second's Reign, and gives to the Lords Proprietors all that part of North America which lyes between the 36th and 29th degree of Northern Latitude. Fort King George upon the River Alatamaha, now complained of by the Spaniards, lyes within the bounds of both the abovementioned grants to Sir R. Heath and to the Lords Proprietors, who have made and continued many flourishing settlements in Carolina; whereas it is notoriously known that the Spaniards have never maintain'd or kept possession of any in those parts except St. Augustine; And your Majesty might with as much reason contest their title to that Settlement as they dispute your Majty's. right to Fort King George, which was neither settled by the Spaniards, nor any other European Nation, when your Majesty's troops first took possession of that place whereon that fort was afterwards erected. This is not the first time that disputes have arisen between the Crowns of Great Britain and Spain, concerning their respective Dominions in America; But to prevent all contests of this sort in the times to come, a Treaty was concluded at Madrid in 1670, by the 7th Article of which Treaty it was expressly agreed between the then Kings of Spain and Great Britain, that the King of Great Britain and his heirs should hold and enjoy for

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ever all those lands and places in any part of America which the said King of Great Britain or his subjects then held or possessed, which Treaty is subsequent to the two grants to Sir Robert Heath and to the Lords Proprietors of Carolina, and to the making of several Settlements under both the said patents. It is therefore matter of surprize that the Spaniards should now pretend a title to a part of a Province which they have so long ago given up by the said Treaty, which hath been confirm'd by many subsequent Treatys between the two Crowns.

The *Bahama Islands*, the principal of which is Providence, were granted by King Charles I in the 5th year of his reign to the Earls of Warwick Holland and others, in consideration of their having some years before discover'd and settled the said Islands. After the restoration of King Charles II, these Islands not having from their first discovery been possessed by any but the English, were granted in 1670, by K. Charles II, to the Duke of Albermarle and others, and have been enjoyed by them and their successors until 1703, when the French and Spaniards invaded and plundered the same; since which time till 1717, the Bahamas have remained in the possession of H.M. subjects, but the Proprietors having neglected to protect and assist the inhabitants, his late Majesty resumed the Government thereof by surrender, and hath ever since appointed Governors of the said Islands. And as your Majesty's subjects were in possession of these Islands before the abovementioned Treaty of Madrid, your Majesty's title thereto was confirm'd, not only by that Treaty but by the Treaty of Utrecht, and the Quadruple Alliance made between the Crowns of Great Britain and Spain since that time. As to the settlement made by your Majesty's subjects in the Bay of Campeachy, *refer to* representation of 25th Sept. 1717, upon Mr. Secretary Methuen's reference in Nov. 1716. *Continue*:—We have in obedience to your Majesty's commands, hereunto annexed a schedule of all such losses as your Majesty's subjects have sustained from the guarda costa's and from other depredations, injustice and violence of the Spaniards, so far as the same have come to our knowledge. *Autograph signatures*. 8 *pp*. *Enclosed*,

291. ii. Statement of British title to Carolina and the Bahama Islands. *Endorsed*, Copy sent to the Plenipots. July 27th, 1728. 7½ *pp*.

291. iii. Schedule of losses sustained by British subjects in their shipping and effects from the Treaty of Utrecht

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to June 20, 1728. Cases of 86 named ships with value of cargoes, and several others not named. Aug. 24, 1720, Sir N. Lawes complained that the Spaniards commit frequent depredations on Jamaica from Trinidado in times of peace. 1724, The Spaniards protect the crew of the pirate *Cassandra.* 1718, The Spaniards raided Crab Island. 1717, The Spaniards forced into their service several English ships in Spain for transport, some of which were never released, and others not paid the freight contracted for. 3 *large double pp.*

291. iv. Copy of Council of Trade to the King, 25th Sept., 1717, *v. C.S.P. under date.*

291. v. Copy of Council of Trade to the Lords Justices, 11th Sept., 1719. *v. C.S.P. under date.* [*C.O.* 5, 383. *Nos.* 32, 32. i—v; *and* (*duplicate* of *No.* i, *enclosed,* sent by Mr. Delafaye to Mr. Walpole) 33; *and* 389, 28. *pp.* 346—361.]

June 21. **292.** Memorial of John Hyde and other lessees, in behalf of themselves and the inhabitants of the Bahama Islands, to the Duke of Newcastle. By letters of 26th Aug. and 12th Oct. 1722, from their factor, Mr. Skynner, then a prisoner at the Havana, they find that the Spaniards in America claim the sole right to the Bahama Islands and accordingly proceed to condemn all vessels with brazelletto wood, which is the product of those islands only. They likewise take and condemn all trading vessels which they meet with in those seas, altho' they have not been in any Spanish port, or traded with any of the subjects of His Catholick Majesty: imprison and use the men as if they were worse than pirates, as is the case of the said Skynner *etc.*, who observes that to be an Englishman in Havana is enough to have all the ill treatment put upon him that a Spaniard is capable of using. *Represent* the great difficulties they labour under from the frequent insults, robberys and piracys committed by the Spaniards on their trading vessels at sea and also by plundering their vessels in harbour, burning and distroying their vessels and plantations on shore, under pretence of having commissions so to do from the Governours of Havana, Baraco, and other parts on Cuba. *Quote cases* given in C.S.P. 1722, 1723, raids by Capt. Blanco *etc. Conclude :* The Spaniards of Cuba have every summer since the settlement of the Bahama Islands began disturbed the inhabitants in raking of salt, cutting wood, taking whales and seales for oyl, and other their lawfull employments on the said islands, which if not timely prevented and restitution made for the damage done to them will make them quit the islands. *Pray that* representations be made to Spain so that ample restitution be made and that such insults and robberies may cease and H.M. right to the said islands may be acknowledged *etc. Signed,* John Hyde. 1½ *pp.* [*C.O.* 23, 12. *No.* 93.]

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June 24. **293.** Petty Expences of the Board of Trade, Lady day to Midsummer (*v. Journal*). 6 *pp.* [*C.O.* 388, 79. *Nos.* 25—28.]

June 25./July 6. **294.** Mr. Walpole to the Duke of Newcastle. *Encloses* following, which "I wrote to the Garde des Sceaux in consequence of your letter of 16th May" *etc.*, to which "I expect to receive an answer shortly from Mor. de Chauvelin." *Copy.* ¼ *p. Enclosed,*

294. i. Mr. Walpole to Mor. de Chauvelin. Compiegne. 27th June (N.S.), 1728. *Encloses* copy of the letter of the Council of Trade, together with translation of deposition of John Ridley, 28th Nov. 1727, relating to the settlement of some French families on St. Vincents. *Concludes:* As such settlements are of the utmost importance, and contrary to the agreement of 1722 *etc.*, the King my Master is confident that His Christian Majesty will repeat the orders [*of the Regent*] for the said families to evacuate St. Vincent, replace everything upon the same footing as it was before their settlement, and not to do anything which could give the least offence, or reason for suspicion, till this matter is amicably settled according to the rules of justice *etc. French. Copy.* 2¼ *pp.* [*C.O.* 253, i. *Nos.* 35, 35 i.]

June 25.
New York. **295.** Governor Montgomerie to [*? Mr. Delafaye*]. *Acknowledges* repeal of Act of New York *for the easier partition of lands etc. Encloses* Address from New Jersey, "which to please them I hope you will order to be printed in the Gazet." *Encloses* Memorial from Mr. Bradley, whom you recommended to me *etc. Continues:* You will see by it that he has met with very hard usage, and that it is not in my power to redress him. The man is honest and well-meaning, so I hope something will be done for him from home. Coll. Riggs is uneasie till I satisfie you, about a letter he wrot to you to receive his pay in England. I intended to have granted him that favour, but finding that all the officers would make the same demand, which would be a great loss to me, he franckly desisted from it, which I take very kindly *etc. Signed,* J. Montgomerie. *Endorsed,* R. Aug. 14 (by Mr. Drummer). *Holograph.* 2 *pp. Enclosed,*

295. i. Address of the Chief Justice, Second Judge, High Sheriff, Grand Jury, practitioners of the Law and Clerk of the Peace of the Supream Court, held at Burlington, for the Western Division of New Jersey, to the King. 7th May, 1728. Welcome prospect of peace being restored and the power of Spain being confined within just limits. "With a warm rapture of thankfulness" acknowledge H.M. parental care, particularly in sending Governor Montgomerie *etc. Set out,* N.J. Archives, 1st Ser. V, 185. 31 *signatures.* 1 *large p.*

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295. ii. Petition of Richard Bradley to Governor Montgomerie. New York, 28th June, 1728. Petitioner cannot obtain payment of £800 due to him for salary and fees as Attorney General, and thereby suffers great hardship, as also by the recent Act *etc.* Petitioner has long experienced that Grand Juries will never present where any of their relations and friends are concerned, and most of this new country are related *etc.* *Asks* to be allowed a salary of £150 paid from home *etc.* *Signed*, Richd. Bradley. 3 *pp.* [*C.O.* 5, 1092. *Nos.* 69, 69. i, ii.]

June 27. Whitehall. **296.** Mr. Popple to Lt. Governor Armstrong. *Acknowledges* letters of 30th April and 17th Nov. last. *Refers to* Representation of 31st May. The Board are in hopes of receiving H.M. directions upon the peopling and settling of Nova Scotia before they finish Governor Philipps' Instructions *etc.* [*C.O.* 218, 2. *pp.* 79, 80.]

June 27. Whitehall. **297.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*,

297. i. *Same* to the King. We humbly lay before your Majesty draughts of General Instructions for Governor Worsley and of those particularly relating to the Acts of Trade and Navigation, with some few alterations and our reasons for the same. We have inserted Samuel Berwick in the Council, he being restored 12th April *etc.*, and Mr. Maxwell and Mr. Allen being dead, we have inserted in their stead John Frere and Geo. Lillington Esqrs., they being recommended to us as persons every way qualified *etc.* Mr. Worsley having complained that the Assembly had assumed to themselves the priviledge of adjourning for what time, and to what place they thought fit, without his consent, we have inserted the 21st Article, in order to restrain this practice, that the public business of the Island may not be thereby retarded. Mr. Worsley having likewise complained, that the Assembly had assumed to themselves, a power of chusing a Speaker, pro tempore, without presenting him to the Governor for his approbation, we have inserted the 22nd Article, for restraining a practice so contrary to your Majesty's Royal prerogative. The latter part of Mr. Worsley's 28th Instruction, contain'd a power from his late Majesty to receive what additional salary the Assembly should think fit, to settle upon him, under certain restrictions therein expressed. In consequence of which the Assembly having passed an Act in 1723, and the salary thereby given being continued to him, until the determination of his Government, we have

omitted the aforesaid latter part *etc.* We have made no further alteration, than what your Majesty has already been pleased to approve in the Instructions to Governors of other Plantations *etc.*

297. ii. Draught of Governor Worsley's General Instructions (1—104). *Dated at* Hampton Court, 25th July, 1728, *v. preceding.* *Article* 21 :—Whereas We have been informed that the Assemblies of Our Plantations, have of late assum'd to themselves, the power of adjourning at pleasure ; without leave from Our Governors first obtain'd for that purpose, as usual, by request ; which is highly detrimental to Our royal prerogative, and may prove of prejudice to the publick ; It is Our will and pleasure that you signifie to the General Assemblies of Barbados, if occasion should require, and that you accordingly insist upon it, that they have no right to adjourn themselves, otherwise than *de die in diem*, excepting Sundays and Holydays, without leave from you Our Governor, or from Our Governor or Commander in Chief of the said Island, for the time being first asked and obtained. *Article* 22 :—And whereas We have also been informed that the General Assembly of Barbados have of late taken upon them to appoint a Speaker pro tempore, and to proceed upon business without presenting him to Our Governor for his approbation of such choice ; which is a precedent very derogatory to Our Royal prerogative, and may prove of ill consequence to Our service, and the good of that Island ; It is therefore Our will and pleasure, that you also signifie to the General Assembly, that We disapprove of such proceedings, and that for the future they will not be suffer'd to proceed upon business with any Speaker, but such as shall be first presented to, and approved by you, or the Commander in Chief of the said Island for the time being. [*C.O.* 29, 15. *pp.* 25—95.]

June 27. Swansey. **298.** George Lillington to the Council of Trade and Plantations. *Declines* honour of Councillorship, Barbados, owing to the benefit he derives for the violent pains of the gout from residence the two last winters at the Bath *etc.* *Signed,* George Lillington. *Endorsed,* Recd. 2nd, Read 4th July, 1728. *Addressed,* To Alured Popple Esq. *etc.* *Postmark.* ¾ *p.* [*C.O.* 28, 19. *ff.* 192, 193*v.*]

June 27. Whitehall. **299.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expences and officers' salaries to Midsummer. Account annexed. [*C.O.* 389, 37. *pp.* 291, 292.]

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300. Messrs. Stirling and Watson to the Council of Trade and Plantations. We are two of the many in good circumstances, who at their own expence will settle themselfs, on the King's lands and islands, now laying wast and uninhabited, between the River Kennebeck and St. Croix, if H.M. shall pleas to place our worthey friend Capt. Thomas Coram there in such manner as he has proposed (*v.* 18th June) and we shall each of us carry one thousand pounds and more of our own with us *etc.* *Signed,* James Stirling, Joseph Watson. *Endorsed,* Recd., Read 27 June, 1728. *Addressed.* 1 *p.* [*C.O.* 217, 5. *ff.* 85, 86*v.*]

June 29.
Jamaica.

301. Governor Hunter to the Lords Commissioners of the Treasury. Encloses following. *Signed,* Ro. Hunter. *Endorsed,* Recd. 2nd Oct., Read 13th Nov., 1728. *Holograph.* ¾ *p.* *Enclosed,*

301. i. List of enclosed accounts. *Same endorsement.* 1 *p.*

301. ii. H.M. account of imposts, Jamaica, April 7th—Sept. 29th, 1725. 2 *large pp.*

301. iii. H.M. account of Fortifications, 7th April—29th Sept. 1725. *Endorsed,* Recd. 2nd Oct., 1728. 1 *p.*

301. iv. H.M. account current, 25th March—29th Sept., 1725. *Endorsed as preceding.* 1½ *pp.*

301. v. H.M. account of impost, 29th Sept., 1725—25th March, 1726. *Same endorsement.* 2 *pp.*

301. vi. H.M. account of Fortifications, 29th Sept., 1725—25th March, 1726. *Same endorsement.* 1 *p.*

301. vii. H.M. account current, 29th Sept., 1725—25th March, 1726. *Same endorsement.* 1 *p.*

301. viii. H.M. account of impost, 25th March—29th Sept., 1726. *Same endorsement.* 2 *pp.*

301. ix. H.M. account of Fortifications, 25th March—29th Sept. 1726. *Same endorsement.* 1 *p.*

301. x. H.M. account current, 25th March—29th Sept., 1726. *Same endorsement.* 2½ *pp.*

301. xi. H.M. account of impost, 29th Sept. 1726—25th March, 1727. *Same endorsement.* 1½ *p.*

301. xii. H.M. account of fortifications, 29th Sept. 1726—25th March, 1727. *Same endorsement.* 1 *p.*

301. xiii. H.M. account current 29th Sept. 1726—25th March, 1727. *Same endorsement.* 1 *p.*

301. xiv. H.M. account of impost, 25th March—29th Sept. 1727. *Same endorsement.* 1 *p.*

301. xv. H.M. account of fortifications, 25th March—29th Sept. 1727. *Same endorsement.* 1 *p.*

301. xvi. H.M. account current, 25th March—29th Sept. 1727. *Same endorsement.* 2 *pp.*

301. xvii. H.M. account of impost, 29th Sept. 1727—25th March, 1728. *Same endorsement.* 1 *p.*

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301. xviii. H.M. account of fortifications, 29th Sept. 1727—25th March, 1728. *Same endorsement.* 1 *p.*

301. xix. H.M. account current, 29th Sept., 1727—25th March, 1728. *Same endorsement.* 2 *pp.* [*C.O.* 137, 17. *ff.* 84, 85*v.*—86*v.*, 87*v.*—101v., 102*v.*—107.]

June 29. Whitehall.

302. Order of Committee of Council. Due consideration of the report of the Council of Trade upon Nova Scotia requiring more time than is consistent with H.M. orders to Col. Philips to repair forthwith to his Government, he is ordered to proceed thither without delay. The Council of Trade are to prepare his Commission and Instructions to be sent after him. [*v.* A.P.C. III. *p.* 152.] *Signed,* Temple Stanyan. *Endorsed,* Recd. Read 3rd July, 1728. 1 *p.* [*C.O.* 217, 5. *ff.* 87, 88*v.*]

June 30. Province of New Hampshire.

303. Lt. Governor Wentworth to the Council of Trade and Plantations. I have the pleasure of receiveing your Lordships letter of the 28th Februy. 1727-8, *etc.* I observe that the affair of the Kings woods, I have so often given your Lordships the troble about now lies under consideration, and cear will be taken to prevent the stroy that has been formerly made thereon, and hope it may be brot. in a good meathord, and as I mentioned in my letter of the 7th of August 1727, that those people that are imploy'd, by Mr. Gulston the Controller for Masts have a greate opertunity of makeing waste on the pine trees, and therein gave my reasons. I would now further most humbly give my openion, that no person may be appoined from home as Servayer of H.M. woods or Deputy Servayr. that is any ways concern'd in the contract, or his agent or undertakers here, for that would open a wide dore for distroying the timber, the labourers and people imploy'd in that servis are generally such as are concern'd in saw mills which are the engines that distroy the pine timber. Your Lordships will please to excuse on this head, its my zeale for the Kings intrest, and my greate desier to see these affairs settled on a solid foundation, that puts me on it, I wrote your Lordships of 20th of Februy. last via Boston which hope came safe, I therein sent duplicates of our Journalls etc. then advised your Lordships that one of our underservayers had taken a man or two cutting or felling a mast tree that had been marked by Mr. Bridger the late Serveyer I suppose eight or ten years past, also seized a parcill of mill logs, cutt this last winter. Mr. Armstrong ye Deputy Servayer went to Boston to consult wth. ye Judges of Admiralty, I cant hear that any thing as yet is don, if an example be not made of some of these people it will be a verry ill president. Therefore I shall not be backward in doeing my duty, the Judge of the Admiralty seems backward in acting on these affairs, I have severall times wrote him, on these ocations, *etc.* H.M. King George the Second hath been pleased to renew my Commissn. for the Lewetenancy of this

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his Province of New Hampshire. I shall do everything in my power to support the honour and dignity of the Crown and use my best endeavours to cultivate principles of loyalty and obedience in ye people to H.M. At the comeing in of King George the Second I called a new Assembly. There happned to be some few troblesome men made choice of, which gave me a good deal of troble, and indeed boar so hard on the Prerogative of the Crown; that I thot it inconsistant with reason or justice to continew them. The first thing they insisted on was, that the Court of Appeals to the Governour and Councill was without foundation or president, I shewd. them that it was established by ye Governr. Councill and Assembly of the Province and allow'd and confirm'd by the Kings and Queens of England, thirty eight or forty years past, and in the instructions to the Governrs. call it there Courts of Appeales, and give there subjects liberty appeal to them for releife from the Lower Courts to Governr. and Councill, for this and such like reasons I dissolv'd the Assembly and called another. One of the cheife actors was dropt, but the Speaker, Mr. Wear, was elected the second time, and againe chose by the Houss Speaker, when so don they sent up for my allowance thereof, upon which I considred, that it was not consistant with the honr. of the Crown, neither could I expect to pass with out my conduct being called in question, if I had allow'd him to remaine Speaker, since he had behav'd himselfe so obstinately in the former Assembly, so that I disallow'd of Mr. Wear being Speaker, and directed the Houss to proceed to the choice of another Speaker, which they refused to do for ten dayes, ocationed by Wear's obstinant humer, in fine they came into it and made choice of Andrew Wiggan Esqr. for there Speaker, I think an honest man, but that affair made a party in the Houss, soon after with some other votes they sent up a vote for emitting 30,000 pounds paper bill of credit. I treated them with all calmness and let em know that it was not in my power, for that the King had commanded me not to emit any more paper bills of credit then the insident charges of the Governt. cal'd for, they insisted some time thereupon, they thot I might run the hazard, and break through the King's Instructions, I assured them I would not be guilty of so greate a breach of trust, for which reason they voted me for the last years salery but sixty seven pounds sterling, so that I must have wanted bread, had I not of my own. Our people begin to coppy after the Massachusets. I pray your Lordships to consider my circumstances, the Government cant be supported with that honr. as it might (and ought to be) when the Governt. depends on the capricious humers of some designing people for there bread. The Governours heretofore, have insisted on the Generall Assembly affixing a sallery, and so have I don many a time but to no purpose, and when they do give us anything its allwayes at the end of the Session and the last thing they do, so that we are kept depending. This my Lords is the true state of the affair. I pray your consideration thereon that I may have some releife by an Order from H.M. strongly worded *etc.* I have spent of my own estate near three thowsand pounds of this money, more then ever I recd: from the Governmt. which is verry discorraiging, altho' the Governt. is small yet it takes up most of my time in the servis, I depend on your Lordships favour that I may not allwayes be obleigd to live upon my selfe. I observe what your Lordships are pleased to say in answer to that part of my letter of ye 7th Augt. that mentions the want of a paper credit, I hope I am understood right when I mention the 300,000 pounds more then what was then out, in order to give a new life to trade, I intended the Massechusets Governt. as well as this 25 or 30,000 more then what we have now but would be sufficient for this Governt. which would bring it to about 50,000, for we have not above 20,000 now out in the whol Governt. of New Hampshire. Its a small matter not more then 7000 sterling, tho' the sum be small yet its a help to our trade, and if H.M. would be pleased to indulge us with 25 or 30,000 more it would greately incorrage Trade, and allso the settlemt. of the out lands, and the better enable us to defend our selves against the Indians when ever they may make a war upon us, tho' they are very quiet at for the present, there seems to be a greater necessity for strikeing more paper credit now then for many years past, my reason is this, that some of our over grown men have horded up the money to make an advantage thereof on the pore and midling sort of people when there mortgages are out which is with a yeare or less, now the makeing more would obleige those usurers to onlock there cofers, by which the pore and midling people wo'd be releived. I herewith inclose the Journalls of our Generall Assembly from December 1727 to May 1728, and the Acts then passed. In the year 1723 we past a Tryaniall Act for Ellection of Assembly-men, but with a saveing claws therein, that H.M. pleasure should be first known, and that lying ever since under consideration and the people being verry desierous of being indulged therein and considering what H.M. had favourd many of his subjects at home and abroad in the Plantations, and since it had layen so long a time it is presumed that if it had been disagreable to H.M. his disallowance thereof had been long since made known. The Act dos not take place untill the year 1731, so that in case H.M. dos not approve of what I have don in the p^r^mises, there will be time enough to repeale said Act, I have allso repealed the Riott Act which was greiveous to many, since we have not a man in all this Govermt. that hath shewd himselfe in the least disaffected to our late Sovereign King George the First of blessed memory, and much less so in the p^r^sent King George the Second's time, we haveing verry good laws besides to punish such like offenders, the people of this Province being allwayes noted for there loyalty were verry desierous to have that law repealed, it being as they thot a greate reflection on them. I hope your Lordships will think favourably of me for what I have don therein. We expect Governr. Burnet at Boston in fiften dayes which conclud my long epistle for which I aske your Lords pardon and patience. *Signed*, Jno. Wentworth. *Endorsed*, Recd. 22nd Aug., 1728, Read 23rd May, 1729. *Holograph.* 3 *pp.* *Enclosed*,

303. i. Account of powder and stores, Fort William and Mary, Newcastle, N.H., May, 1728. *Signed*, Richard Perry, Gunner, J. Wentworth. *Endorsed as preceding.* 2½ *pp.* [*C.O.* 5, 870. *ff.* (*with abstract*) 234—235, 237—239*v.*]

[June .] **304.** Claims by British merchants and shippers on account of ships and goods, bound for America and the West Indies, seized by Spanish men of war and privateers in 1727. *Endorsed*, Recd. Read 13th June, 1728 *etc.* [*C.O.* 388, 27. *ff.* 196—301.]

July 1. St. Christophers. **305.** Mr. Willett to Mr. Popple. In reply to his letter relating to his complaint against Lt. General Mathew *explains that* they have accommodated their difference, which arose from the Lt. General thinking that his protest in Council reflected on his administration, which he never meant. He has resigned his seat in Council owing to declining health and private affairs. This was not occasioned by Governour Mathew's behaviour to him. "I had writ my friends in London of this my purpose many months before ; that I might be left out of my Lord Londonderry's Instructions." *Signed*, John Willett. *Endorsed*, Recd. Read 8th Oct., 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 357, 358*v.*]

July 2. Whitehall. **306.** Duke of Newcastle to the Council of Trade and Plantations. It having been represented to H.M. that there is great occasion for an Engineer at Jamaica, for the raising and repairing such works, as are judged necessary for the defence and security of that Island, H.M. out of a tender regard to the good and safety of his subjects there, is pleased to allow that Mr. Lilly should attend that service *etc.* But in regard to the extraordinary charge of his going and residing there, it is expected that he should be paid 20*s.* per diem, which is the allowance that has been constantly made to Engineers in the West Indies, and his pay here being no more than £200 pr. ann., H.M. judges it proper, that Major General Hunter should be directed to recommend it to the General Assembly of Jamaica to allow *him the difference etc.* You are to prepare an Instruction accordingly for H.M. approbation *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. Read July 3, 1728. 2 *pp.* [*C.O.* 137, 17. *ff.* 43, 43*v.*, 44*v.*]

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July 3.
New York.

307. Governor Burnet to the Council of Trade and Plantations. *Has received* his Commissions and Instructions *etc.* and is preparing to go to Boston with all possible dispatch. *Gives account* of 12 Acts passed in the last Sessions. *Regrets* to learn that the Board is still apprehensive that the sinking fund was not complete without the interest, and that the credit of the bills would suffer by applying it another way. *Encloses* certificates to show that the value of Jersey money is still encreasing. *Encloses* printed acts and minutes of the Session, "in which your Lordships will observe that there were more contests than have ever happened before, and that the Council have moderated and refused several unreasonable things proposed by the Assembly" *etc. Set out,* N.J. Archives 1st Ser. V. 190. *Signed,* W. Burnet. *Endorsed,* Recd. 9th Oct., Read 13th Nov., 1728. 9 *pp. Enclosed,*

307. i. Certificate of merchants of Perth Amboy that New Jersey proclamation money has risen so that one pound currently passes at £1. 1*s.* 3*d.* New York money. 18th May, 1728. 24 *signatures.* 1 *p.*

307. ii. Certificate that the Signatories of preceding are the chief traders of Perth Amboy *etc.* 18th May, 1728. *Signed,* John Parker, Mayor of Perth Amboy. ½ *p.*

307. iii. Certificate by Merchants of New York, confirming encl. *No.* i. 1st June, 1728. *Signed,* Rip van Dam and 10 others. ¾ *p.*

307. iv. Certificate that the signatories of preceding are of the chief traders of New York *etc.* 29th June, 1728. *Signed,* Robt. Lurting, Mayor of New York. *Seal* of City of New York ¼ *p.*

Nos. i—iv *endorsed,* Recd. 9th Oct., 1728.

307. v. Act of New Jersey, 1698, *declaring the rights and privileges of the subject etc. Endorsed as preceding. Copy.* 3 *pp.* [*C.O.* 5, 972. *ff.* 159—163, 164, 165, 166, 166*v.*, 167*v*—169, 171*v.*]

July 4.
Whitehall.

308. Council of Trade and Plantations to Governor the Earl of Londonderry. *Enclose* for publication Order repealing Act of St. Kitts *repealing Act for settling* £2000 *etc.* (12th June). *Conclude:* We shall be glad to hear of your Lordship's safe arrival. [*C.O.* 153, 14. *pp.* 403, 404.]

July 4.
Hampton
Court.

309. Order of King in Council. Referring to a Committee of the Council the Representation of 27th June with draughts of Instructions to Governor Worsley. *Signed,* Edward Southwell. *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. ¾ *p.* [*C.O.* 28, 20. *ff.* 66, 67*v.*]

July 4.
Whitehall.

310. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*

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310. i. *Same* to the King. Submit following.

310. ii. Additional Instruction to Governor Hunter, requiring him to move the Assembly for an additional salary of £165, to make up his pay to 20*s*. per diem, for Col. Lilly, Engineer, whilst employed in the service of that Island *etc*. (*v*. 2nd July). [*C.O.* 138, 17. *pp*. 242—244.]

July 4. Whitehall. **311.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 19 Acts of the Massachusets Bay, 1727, (*titles given*). [*C.O.* 5, 916. *pp*. 166—169; *and* 1729, *Copy*. ¾ *p*. 28.]

July 4. Barbados. **312.** Extract of letter from Mr. Forbes to [?———]. Confirms his previous statement as to numbers settled on Sta. Lucia. There are now upwards of 1200 French familys there and daily increasing. They are very curteous and civil to the few English amongst them, but it may be justly feared, that the very first opportunity they'l readily embrace to dispossess them *etc*. *Endorsed*, Recd. (from Mr. Wood), Read 11th Dec. 1729. *Copy*. ¾ *p*. [*C.O.* 28, 21. *ff*. 22, 22*v*.]

July 4. Whitehall. **313.** Mr. Popple to Mr. Attorney and Solicitor General. *Encloses* Act of New York, 1727, *for preventing prosecutions by informations*, for their opinion in point of law. [*C.O.* 5, 1125. *p*. 119.]

July 9. Whitehall. **314.** Council of Trade and Plantations to the King. Propose Joseph Pilgrim for the Council of Barbados in the room of George Lillington (*v*. 27th June), who by reason of his ill state of health and the disposition of his affairs does not design returning *etc*. [*C.O.* 29, 15. *p*. 96.]

July 9. Annapolis Royal. **315.** Lt. Governor Armstrong to the Duke of Newcastle. *Refers to* letter Nov. 17th *etc*. Scarce anything material has occurred since *etc*. The French inhabitants continue still in the same temper and disposition of making no submission to H.M. *etc*. As an aggravation of their crime I can add that notwithstanding they have had the way open to reconcile themselves to the Governmt. pursuant to a Minute of Council, 13th Nov. last, by admitting them to swear allegiance to H.M. on their requiring the same, yet the success has not answer'd my good intention for not above two or three have taken the benefit thereof. I think they have an insuperable aversion to the English Nation both Church and State and as they are become a great people I hope the wisdom of the Government will speedily see cause to curb their insolence and reduce them to their duty before the task becomes much harder by the dayly increase of their strength and number which is already very considerable *etc*. The great lenity of the Governmt. is in some measure the cause of the peoples disobedience, for I have no warrant nor authority by H.M. Royal

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Commission and Instructions to Governor Philipps, to proceed further against them that refuse the oaths than only to debar them from fishing during H.M. pleasure, which restraint many of them are willing to bear with in hopes of some speedy revolution or change of Governmt. which they are encouraged by their priests and neighbouring French Governors to look for very soon. However I can hardly think that when matters are brought to the push, either to swear, or go, that they will persist in their disobedience so far as to quitt their plantations and improvements to settle new Colonies, tho they want neither invitations nor promises from the Islands of Cape Breton and St. Johns for that purpose. I acquainted your Grace in my last of several murthers and robberys committed by the Indians in this Province and Newfoundland last fall which manifestly appear to have been done through the instigations if not by the assistance of the French. I am since advised that a great body of those people made an appearance near Canso last winter as if they intended to attempt some mischief but at last retired without committing any hostilitys. On the month of May last an Indian tribe consisting of about 26 men under the command of 3 or 4 of their Sachems from the village of Meductoo an Indian settlement of 50 odd leagues up the River of St. Johns came here to ratifye the peace concluded at Boston and to make their submission to the Governmt. Whereupon I advisd with the Commission Officers here in garrison about their treatment and reception. Who were unanimously of opinion that they should be handsomely entertained while they staid and at their going away should receive some testimonies and marks of H.M. bounty in regard that they were the first of the upper villages who had been here to pay their respects to the Governmt., upon which I made them several presents and entertained them for several days and at last sent them away very well satisfied. As I have not any allowance for this nor any other chargeable service, I beg leave to acquaint your Grace that without some methods are used to satisfy the covetous desires of the Indians it will be impossible to retain them in H.M. interest or wean their affections from the French. All the charges of the Government I have hitherto born without either allowance for the same, or salary. I can sincerely affirm notwithstanding these discouragements, I have never been backward to contribute both my money and credit to support H.M. interest, which I hope your Grace will believe is what I have most at heart, notwithstanding the forgerys and insinuations of selfish malicious men, has been the principal aim of my actions. *Signed*, L. Armstrong. *Endorsed*, Rd. Nov. 18th. 4 *pp.* [*C.O.* 217, 38. *No.* 17.]

July 9.
Annapolis
Royal.

316. *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. *Signed*, L. Armstrong.

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Endorsed, Recd. 14th Nov. 1728, Read 23rd May, 1729. 4 *pp.* [*C.O.* 217, 5. *ff.* 114—115*v.*, 116*v.*; *and* (*abstracts*) 217, 30. *pp.* 31—33.]

July 12. Annapolis Royal.

317. Lt. Govr. Armstrong to Mr. Stanion. Is disappointed at not having heard from him as to the reception of his packet by Capt. Bennett, or received instructions *etc. Refers to* complaints against him " by two or three malitious traders in this Province, although not exhibited, but lodged in the hands of Govr. Philipps who only wants a proper opportunity off makeing his own use of them to my prejudice. This as well as ye unsettled state of this Province makes me very uneasy and oblidges me to desire your interest to gett me the Kings leave of abscence to come home to settle my affaires " *etc. Signed,* L. Armstrong. *Endorsed,* Rd. Nov. 18th. *Addressed. Sealed.* $\frac{3}{4}$ *p.* [*C.O.* 217, 38. *No.* 18.]

July 15. Antego.

318. Lt. General Mathew to Mr. Popple. *Acknowledges* letter of 8th Feb. *Continues :*—I am under a very great concerne for having sent the publick papers open to the Agents *etc.* I never shall be guilty of the like fault again, *etc. Encloses* duplicate of May 20th *etc. Continues :*—I have no copy of Mr. Greatheed's petition, so as to know what he alledges against me *etc.* When he calls upon me I shall be ready to join with him in having the proper affidavits mutually made, as their Lordships direct. I have long since sent to Mr. Meure proofs upon oath to justify every particular of the information I had receiv'd against him, which I should have been glad their Lordships had ordered his laying before them. I know no more of that affair than I did then *etc.* As to Mr. Willett, there was too much warmth on both sides *etc.* I was loth to give their Lordships my account of that matter from a remaining concerne still in me for a most dear friend that had been torne from me. We have been for some months past on terms of reconciliation, and now there remains nothing, but to obtain from their Lordships, that all that matter may be forgot, without prejudice to Mr. Willett's character, or mine. The present state of the Leeward Islands I intended to lay before their Lordships, contains so much of my own way of thinking as to these Islands and I am grown so out of conceipt with it, that I pray to be excus'd from exposing myself by laying such notions before them, as I once weakly intended. The Antego duplicate acts (*sent to Mr. Yeamans*) are neither of them signed by the Clerk of the Council, but only by the Clerk of the Assembly; I cou'd not persuade Mr. Wavell Smith, the Secretary to signe 'em. He is at variance with the Clerk of the Assembly, from whom I had these as usual, insisting that the drawing these acts belonged to his office; the other insists they belong to him, and I am forced to send them as they are, or else not at all. Mr. Smith promised to give me his reasons in writing, but he disappointed me *etc. Encloses* Minutes of Council of Montserrat,

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16th Jan.—26th Feb. last. It is impracticable for me to get from Mr. Smith and his Deputys the Minutes that I am required by the Instructions to send from time to time; I write and speak incessantly, but to no purpose, and as to the abstracts of proceedings in the Courts of King's Bench and Common Pleas, Oyer and Terminer etc. I can get no other answer from him, but that he does not know how to be paid for them, nor will let me have them. He says the Clerks of the Offices at home told him, that instruction was obsolete, and more for forme sake than for any use they can be of at home, that they are never sent, that he will give me a memorial on it in Council, that his clerks are sick, that Lord Londonderry will be here soon *etc.* This is all I can get from him *etc.* *Signed,* William Mathew. *Endorsed,* Recd. 21st Oct. 1728, Read 28th March, 1729. 1⅔ *pp.* [*C.O.* 152, 17. *ff.* 9, 9*v.*, 10*v.*]

July 16.
Whitehall.

319. Council of Trade and Plantations to the Duke of Newcastle. Enclose following. *Annexed,*

319. i. *Same* to the King. *Enclose* draughts of Commission and Instructions for Governor Philipps. *Continue*:—We have inserted the same powers formerly granted by his late Majesty to Colo. Philipps, save only that in the draught of Instructions, we have added one conformable to your Majesty's Order in Council, 28th March, directing him to be aiding and assisting your Majesty's Surveyor General of Woods *etc.* in preventing the destruction of them in Nova Scotia, and in punishing such as shall be found offending therein. We have likewise omitted the 34th clause, concerning the fortifications at Placentia, and the removal of part of the Garrison from thence, the design of that Instruction being already complied with; some further alterations may perhaps hereafter be thought proper to be made both in the said Commission and Instructions. But we thought it our duty to frame these upon the former plan, till such time as your Majesty shall be graciously pleas'd to declare your Royal pleasure upon the Representations formerly made, more particularly that of 7th June, 1727, upon the methods for encouraging your Majesty's subjects to settle in Nova Scotia, for establishing the form of a Civil Government there, and likewise for the preservation of your Majesty's woods in that country. *Autograph signatures.* 1 *p.* *Enclosed,*

319. ii. Draught of Commission for Richard Philipps to be Governor of Placentia and Nova Scotia or Accadie. *v. preceding.*

319. iii. Governor Philipps' Instructions, *v. preceding.* 32 Articles. Articles 33—35, directing the encouragement

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of inhabitants of Newfoundland to remove to Nova Scotia, and the garrison at Placentia, are deleted. *Signed*, C.R., C.R., (Caroline, Queen, Guardian of the Realm). Kensington, 1st July, 1729. [*C.O.* 218, 2. *pp.* 81—119 ; *and* (*covering letter only*) 194, 23. *No.* 34.]

July 17.
Antego.

320. Lt. Governor Mathew to Mr. Popple. Mr. Meure writes me their Lordships are greatly displeas'd at me for passing the act to repeal Governor Hart's settlement of £2000 a year ; that it is charg'd upon me, as an effect of malice and resentment, a breach of H.M. instructions, and on a false foundation. I wish Mr. Hart had stay'd here to this day, rather than I should thus have incur'd their Lordships displeasure ; the chief command has been far from a lucrative one to me, and given me sufficient uneasyness, from the perverse contradictions I have met with in opposition to every publick service ; for I have pursued nothing for myself. The foundation for which was layd before Governor Hart went home, and constantly kept on foot by letters containing paragraphs of mine to their Lordships ; and even one of those letters inform'd the people of St. Christophers (to raise an odium against me) that Mr. Meure at home actually presented a memorial to their Lordships of the Board of Trade craving their Lordships leave for my obtaining a most exorbitant thousand pound a year over and above the two thousand given to Governor Hart *etc.* Mr. Butler on a very publick occasion charged me with it, in the most insolent manner ; and upon my denying it, urged the authority of his information, even to giving me the lye. I have really thus much to say, as to my passing that act ; if it was ever confirm'd at home by H.M., 'twas more than I ever knew, or any one man in the Government else ; when acts are confirm'd by H.M., that confirmation is allways notified to the Council at least, and enter'd in the Council books ; such notification or entry I do aver was never made here *etc.* Governor Hart's resignation of that present from the Island was so publick, so solemne and so frequent, that I cannot believe what I now heare from England, that he should forget it. I do aver as a fixed truth that the whole purport of that act was only to strengthen that renunciation, against a law, that it was imagin'd in case of his death, his executrs. would set up against the Island ; no one person ever imagin'd that it would obviate a claim of Governor Hart's own, for no one believ'd he ever would make one ; The law went through both Houses I may say almost unanimously ; there was but one single objection made to it, and that was by Mr. Willett his chief friend, in both Houses ; the only objection he made was, that if Mr. Hart should returne again Chief Governor, his renunciation then, (which could only be meant during his absence or in case of his removal) would determine ; but Mr. Willett added then in words (for he was a witness to that renunciation) that if Mr. Hart did not returne,

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he did not think he could in honour ask or claim that settlement during his absence. And then Mr. Willett was reminded of the following circumstance to convince him, that if ever Governor Hart should returne he would abate of his expectations from the Island. A very little while before Governor Hart embark'd for England, and when Lord Londonderry was even then dayly expected, he was pleased to make in Council the following declaration ; That upon his removal he should become a planter, a brother inhabitant of the Island, that if the Council pleas'd the doors might be shutt, that he was convinced the provision of £2000 a year made for him was exorbitant and a burthen too heavy for the Island to bear, and that he was ready then to joine with the Council in any methods could be contrived to prevent such extortions for the future *etc.* *Continues :*—I submit whether *etc.* after this resignation and declaration, my passing an act to confirme both could give me the least apprehensions, that I should thereby incurr their Lordships' displeasure. Mr. Soulegre and Pym, Members of H.M. Council are now in London, Gentlemen of inviolable truth and great worth ; I pray I may be either condemn'd or acquitted by their confirming to their Lordships viva voce, or denying any one circumstance abovemention'd *etc.* *Continues :*—I have not broke the Instruction, that says I shall do nothing to lessen H.M. revenue ; for this repealing act only alters the application *etc.* *Refers to enclosures.* *Continues :*—The transactions of those days and the debates were publick enough. The secresy recommended by Governor Hart was not join'd in by the Board ; and the Councellors' oath is only to keep secret such debates as the Council shall resolve shall be so kept. I have supported the Government most expensively, and from the publick occasion of H.M. accession and other publick days 'twas unavoidable ; I have nothing but the half of the sallary of Chief Governor and the £200 a year as Lt. Governor, from H.M. ; I have receiv'd nothing for upwards of five years. Their Lordships then must certainly know my own estate alone must have supported me. The island of St. Christophers its true makes me a small present of £200 sterling a year. If Governor Hart has his £2000 a year, I hope their Lordships will permit my endeavouring on Sr. Philipp York's opinion to recover half of it from him *etc.* *Signed,* William Mathew. *Endorsed,* Recd. 9th Nov., 1728, Read 28th March, 1729. 2½ *pp.* *Enclosed,*

320. i. Deposition of Francis Phipps. St. Christophers, 29th June, 1728. Deponent heard Governor Hart declare in Council that he was now becoming a planter and ready to join with them to relieve the Island from the intolerable oppression of the settlement of £2000 a year they had till then made on him, which the island could not afford *etc.* *Signed,* Francis Phipps. ½ *p.*

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320. ii. Deposition by *Same.* Deponent has often heard several Members of Council say that Governor Hart declared in Council that he would remit the settlement of £2000 pr. annum made on him, from the time of his departure *etc.* It appearing by the Treasurer's account that part of the money appropriated by Governor Hart's act of settlement had been applied for other services of the public, Mr. Willett in Council said he did not think Governor Hart would ever demand or receive it, but his executors might, and he therefore thought the most proper method would be to repeal that act *etc.* *Signed,* Francis Phipps. ¾ *p.*

320. iii & iv. Deposition of William Pym Burt. St. Christophers, 1st July, 1728. Confirms and amplifies *Nos.* i and ii. *Signed,* William Pym Burt. 1 *p.* and ½ *p.*

320. v. Deposition of James Losack. St. Christophers, June 13th, 1728. Deponent cannot find any entry in the Council books of the confirmation of the Act *for settling* £2000 *per annum on Governor Hart etc. Signed,* James Losack, Depty. Secry. 1½ *pp.* *Endorsed,* Recd. (from Mr. Meure) 7th Nov. 1728. *Nos.* i—v *endorsed,* Recd. 9th Nov., 1728. [*C.O.* 152, 17. *ff.* 11—13, 14, 15, 16, 17, 17*v.*, 18*v.*, 22*v.*]

July 18. Whitehall. **321.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following, to be laid before the King. *Autograph signatures.* 1 *p.* *Enclosed,*

321. i. Extract of Governor Hunter's letter, 4th May, relating to Spanish privateers. [*C.O.* 137, 46. *Nos.* 52, 52. i ; *and* (*without enclosure*) 138, 17. *p.* 245.]

July 18. Whitehall. **322.** Bryan Wheelock to William Popple. Having in your brother's absence got copies prepared of the representations of 28th Sept. 1717 and 20th June, 1728, as desired by H.E. Mr. Walpole by your letter of 13th inst. N.S. with a schedule annexed *etc.*, I have this day sent the same to Mr. Delafaye to be despatch'd to you by the first messenger. [*C.O.* 389, 28. *p.* 263.]

July 18. Whitehall. **323.** Mr. Wheelock to Mr. Delafaye. Encloses copies of representations *as preceding.* [*C.O.* 389, 28. *pp.* 362, 363.]

July 20. Barbados. **324.** Governor Worsley to the Duke of Newcastle. After I had several times prorogued the last General Assembly *etc.*, that there might be sufficient time to pass a new Excise Act *etc.* (*v.* 9th April), I dissolved the said Assembly, 18th June, and by the advice, and consent of H.M. Council, called a new one to meet the 13th July, when, they accordingly met, and again choses Collo. Peers their Speaker; Whilst there was no Assembly sitting the Countrey was pretty quiet, but upon this last election,

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the former spirit of faction broke forth, and the general cry was, for the good of their countrey; Upon their first meeting, I made them a speech (*copy enclosed*). The Assembly has met and once passed the Excise bill, and tho' a Committee was appointed to draw up an answer, as they call it, to my speech, yet they have not done it, in that they say, it seems to require the most mature consideration, and therefore desired a longer time to consider of it; I can't imagine what it is they boggle at in my Speech. Notwithstanding the cessation of Arms, which has been published, between Great Britain and Spain, we have had lately taken, by a Spanish privateer of St. Domingo, a merchant ship, the *Dolphin*, Jasper Morris master, which was loaden with sugar and bound for London *etc. Refers to enclosures. Signed,* Henry Worsley. *Endorsed,* R. Oct. 8. 3 *pp. Enclosed,*

324. i. Deposition of Jasper Morris, Thomas Markis and Michael Galwey, as to the capture of the *Dolphin* by a Spanish privateer *etc.* Barbados, 8th July, 1728. *Referred to in preceding. Copy.* 1¾ *pp.*

324. ii. Similar deposition by *Same* and Walter Quarme. St. Christophers. 29th June, 1728. *Copy.* 1¾ *pp.*

324. iii. Governor Worsley's Speech to the Assembly. We cannot be too zealous in demonstrating our loyalty to H.M. *etc. Recommends* them, after passing the Excise bill, to consider the ruinous condition of the fortifications *etc. Copy.* 2½ *pp.*

324. iv. Address of the Grand Jury of Barbados to the King, 11th—13th June, 1728. *Pray for* his long and prosperous reign *etc. Signed,* 17 *signatures.* 1 *large folded p.* [*C.O.* 28, 44. *Nos.* 121, 121 i—iv.]

July 20. Barbados.

325. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* Henry Worsley. *Endorsed,* Recd. 7th, Read 15th Oct., 1728. 3 *pp. Enclosed,*

325. i., ii. Duplicates of preceding encl. *Nos.* i, iii. *Endorsed as preceding.* [*C.O.* 28, 19. *ff.* 204—206*v.*, 207*v.*—208*v.*, 209*v.*]

July 22. Horse Guards.

326. Judge Advocate Hughes to the Duke of Newcastle. *See No.* 358 iv. *Signed,* E. Hughes. *Endorsed,* R. 27. 3 *pp. Enclosed,*

326. i. Rev. Thomas Curphey to Mr. Hughes. *See No.* 358 iii. [*C.O.* 23, 14. *ff.* 41—44*v.*]

July 22. Hampton Court.

327. Duke of Newcastle to the Council of Trade and Plantations. I herewith send yor. Lops. several papers *etc.*, which I have lately received from Mr. Donovan Agent to the Contractors for victualling H.M. ships at Jamaica, who complains of his being under prosecution there, for having imported from Barbados a quantity of rum for the use of H.M. Squadron in the

West Indies, and having caused it to be put on board one of H.M. ships at Port Royal, from whence it was distributed among several ships of the said Squadron, without paying the dutys with which by an Act lately passed in the Assembly of Jamaica, arrack and other spirits are chargeable on importation there, and proposes that when this Act shall be laid before the Council *etc.*, a clause may be inserted in it, to except from the duty thereby laid on spirits, all such rum as shall be imported for the use of H.M. ships. *You are to* lay before H.M. a state of the case with your opinion thereupon and whether a stop should be put to this prosecution *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 22nd, Read 30th July, 1728. 1½ *pp.* *Enclosed,*

327. i. Timothy Donovan to the Duke of Newcastle. Port Royal. April 24, 1728. *Complains* as above. The latter part of the Act is intirely calculated against the Navy and no other *etc.* *Signed,* Tim. Donovan. *Endorsed as preceding. Copy.* 2 *pp.*

327. ii. Notification of the duties laid by the Act *for granting a revenue to H.M.* April 18, 1728. *Signed,* Charles L(l)oyd, Receiver General. *Same endorsement. Copy.* 4½ *pp.*

327. iii. Correspondence between Timothy Donovan, Admiral Hosier and the Receiver General, 15th July—11th Dec., 1727, showing the scarcity and dearness of rum and the difficulty of supplying the demands of the fleet *etc.* *Copy.* 4 *pp.*

327. iv. Timothy Donovan to the President of the Council, Port Royal, Dec. 12, 1727. *Protests* against a summons on account of rum imported from Barbados by the sloop *Jolly* for the use of the Squadron, which urgently needed it *etc.* *Signed,* T. Donovan. *Copy.* 2¼ *pp.*

327. v. Answers by Timothy Donovan to the information exhibited against him by the Attorney General of Jamaica relating to preceding. *Same endorsement. Copy.* 5¾ *pp.* [*C.O.* 137, 17. *ff.* 55, 55*v.*, 56*v.*—57*v.*, 58*v.*—68*v.*, 69*v.* ; *and* (*covering letter only*) 137, 46. *No.* 53.]

[July 23.] **328.** Petition of Thomas King to the Council of Trade and Plantations. *Prays that* the Act of Jamaica, 1722, *for encourageing the speedy settling of Pero or Pera plantations may be confirmed. Recounts previous procedure concerning it* (*v.* C.S.P. 1725 *etc.*). The bills preferred by Rev. Wm. Gordon, his wife, Mr. Peers and Mr. Whitehead, have been dismissed, showing that they have no real claim to the estate *etc.* *Endorsed,* Recd. 23rd July, 1728, Read 21st May, 1729. 2 *pp.* [*C.O.* 137, 18. *ff.* 11, 11*v.*, 12*v.*]

July 24. **329.** Rev. T. Curphey to Sir C. Wager. *See No.* 358 ii. *Signed,* Tho. Curphey. *Addressed,* 1 *p.* [*C.O.* 23, 14. *ff.* 47, 48*v.*]

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July 25.
Hampton Court.

330. Order of King in Council. Approving Instructions for Governor Worsley *as* 27th June, except that the Council of Trade having now proposed Joseph Pilgrim in place of Mr. Lillington, he is appointed to the Council. *Signed,* Edward Southwell. *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. 3 *pp.* [*C.O.* 28, 20. *ff.* 68, 69*v.*]

July 25.
Hampton Court.

331. Copy of above Instructions, [*C.O.* 5, 194. *ff.* 303—407.]

July 25.
Hampton Court.

332. Order of King in Council. Approving draught of Governor Philipps' Commission. *Signed,* Edward Southwell. *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. 1 *p.* [*C.O.* 217, 5. *ff.* 89, 90*v.* ; *and* 5, 194. *f.* 420.]

July 25.
Hampton Court.

333. Order of King in Council. Approving draught of Governor Philipps' Instructions and representation of the Board of Trade thereon *etc. Signed and endorsed as preceding.* $1\frac{1}{4}$ *pp.* [*C.O.* 217, 5. *ff.* 91, 92*v.* ; *and* 5, 194. *ff.* 433, 433A.]

July 25.

334. Petition of Assembly of Barbados to the King. *A repetition* of the petition of the Majority, Jan. 4, *q.v., but concluding :*—Nor can the inhabitants bear the necessary charge either of buying powder sufficient or repairing the fortifications *etc.* while the heavy tax which they have for so many years paid chiefly for H.E.'s use is continued, by which tax allmost all the current cash of this Island is annually brought together and hoarded in H.E.'s coffers, trade is stagnated, and the value of the produce of the Island is very considerably lowered, to the vast damage of the distrest inhabitants who are forced to part with their goods at any price to raise their quota of a tax not only heavy in itself but much more so in regard of the ill effects it has upon trade and the marketts in the Colony. Petitioners are ready to prove the truth of these allegations *etc. Signed,* Robt. Warren, Cl. of the Assembly. [*C.O.* 28, 39. *No.* 44.]

July 25.

335. (*a*) Governor Worsley's Speech to the Council and Assembly of Barbados.

(*b*) Address of the Assembly in reply. *Copy. Signed,* Robt. Warren, Clk. of the Assembly. The whole *endorsed,* Recd. (from Mr. Price), Read, Feb. 25, $172\frac{8}{9}$. 5 *pp.* [*C.O.* 28, 20. *ff.* 97, 98—99*v.*, 100*v.*, 101*v.*, 102*v.*]

July 25
Hampton Court.

336. Order of King in Council. Approving representation of Nov. 10, 1726, and ordering accordingly that stores of war be sent to the Bahama Islands, and that the Governor be empowered to call an Assembly of 24 Members by an instruction in

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his Commission now being prepared *etc.* *v.* A.P.C. III. *No.* 151. *Signed,* Edward Southwell. *Endorsed.* Recd 30th. Read 31st July, 1728. 1¾ *pp.* [*C.O.* 23, 2. *ff.* 146, 147*v.*; *and* (*copy of first part of order, endorsed,* Recd. 19th Oct., Read 20th Nov., 1728) *ff.* 180, 181*v.*]

July 30.
Whitehall.

337. Mr. Wheelock to Mr. Fane. Encloses Revenue Act of Jamaica *etc.* for his opinion how far it is agreeable to the intention of the draught and Instructions relating thereto *etc.* [*C.O.* 138, 17. *pp.* 245, 246.]

July 30.
Whitehall.

338. *Same* to the Commissioners for Victualling the Navy. In relation to Mr. Donovan's complaint (July 22), *enquires* whether the contractors for supplying H.M. ships in the West Indies with rum or other provisions, have paid duties in any of H.M. Colonies in America for such supplies, *etc.* [*C.O.* 138, 17. *p.* 247.]

July 30.
Whitehall.

339. *Same* to Mr. Fane. Encloses 6 Acts of Jamaica, 1728, for his opinion in point of law, *etc.* [*C.O.* 138, 17. *pp.* 248, 249.]

July 31.
Hampton Court.

340. Copy of Governor Philipps' Commission. [*C.O.* 5, 194. *ff.* 421—428.]

Aug. 3.
Lincoln's Inn.

341. Attorney General to the Duke of Newcastle. I had the honour of your Lordship's commands by your letter of ye 30th past to hasten the dispatch of the conveyance of the Province of Carolina to his Majesty. *Explains* that though Mr. Solicitor General and himself received instructions from the Treasury on 13th July to prepare the necessary instruments, and thereupon immediately acquainted the Agent of the Proprietors that their respective titles ought forthwith to be laid before them, it was not till this evening that abstracts only of the titles of James and Henry Bertie and Mr. Hutcheson were left with him *etc.* "It is impossible for H.M. Councill to advise the acceptance of the conveyance *etc.* without being truely informed of the state of the title, which in some of the Proprietorships may require particular consideration, there having been severall subsequent conveyances since the first grant, and some thereof litigated" *etc.* *Signed,* P. Yorke. 2 *pp.* [*C.O.* 5, 306. *No.* 9.]

Aug. 3.
Jamaica.

342. Governor Hunter to the Duke of Newcastle. I am frequently in straits for want of a quorum of Councelers by reason of the distant residence of many, and the absence of others. One of that number, Pusey by name, has been absent sevll. years and so forfeited all claim to a seat at that Board *etc.* *Asks* for appointment of Alexander Forbes, Provost Marshall, but acting by Deputy, who is very well qualified. *Continues:* I can not look without concern upon what may happen here in case of my death or sudden removal. The generality here have either such an aversion to or contempt of Mr. Ayscough, and he a man of such passions and resentment, that I can not in duty or conscience advise the intrusting him againe wh. the administration. The next Councellor to him is Coll. Gommersell, a man of substance long experience and probity, how far his capacity may reach in that ticklish trust I know not. So if a dormant Commission is not adviseable a new model of the Council may prevent the confusion I apprehend and can have no bad consequence. *Recommends* for filling a vacancy in the Council Edward Charlton, one of the Judges *etc.* Has no grudge or spite against Mr. Ayscough *etc.* *Signed,* Ro. Hunter. *Endorsed,* R. Oct. 7th. *Holograph.* 2½ *pp.* [*C.O.* 137, 53. *ff.* 74—75*v.*]

Aug. 3. **343.** *Same* to Mr. Stanyan. Encloses copy of following letter *etc.* and asks for instructions as to Mr. Coleman's office. *Signed,* Ro. Hunter. *Holograph.* 2 *pp.* [*C.O.* 137, 53. *ff.* 76, 76*v.*]

Aug. 3. Jamaica. **344.** Governor Hunter to the Council of Trade and Plantations. *Refers to* enclosed Speech to Assembly and their reply, when they met on 2nd July *etc.* *Continues* :—I cannot but say they began with a good aspect having entred into many resolves for the publick credit and the security of the country but the same was soon changed by a bill's being brought into the Assembly *for making the goods of the produce of the country a lawfull tender for the payment of debts ;* This bill having passed the Assembly and Council I found they had it so much at heart that it was apparent they declined doing any other bussiness till they knew the fate of that bill (*copy enclosed*). Many arguments were used in the Council pro and con, but the majority having passed the bill in their legislative capacity, Mr. Mill entred his dissent against it (*encl.* iv), and in a day or two after the merchants and traders petitioned me against my passing it, markt *No.* 5. Upon which I call'd a Council and laid the whole before them and askt their advice whether it was not a bill of extraordinary nature and consequently such as I was forbid by my Instructions to assent to without a clause inserted therein suspending the execution thereof until H.M. pleasure should be further known, and the Council were of opinion that it was a bill of that nature and not fit to be passed into a law without H.M. further direction. Upon which Mr. Lawes delivered his reasons against the bill which he desir'd might be enter'd in the Council books and is markt *No.* 6. The chief arguments for the bill that I have heard of are contained in *No.* 7. Upon the whole I shall entirely submit it to your Lordpps., whether such a bill may be necessary for the good of the country either with respect to the planter or merchant and I must pray your Lordpps.' directions in case the house should pass another bill to the same effect next sessions, what proviso or salvo may be requisit to be inserted in the bill in order to it's being pass'd. The Assembly sent up to the Council another bill, entitled, an Act *for establishing the publick credit* with regard to particular orders of Council, which though intended for the credit of the Government, yet the Council perceived there was no provision made for the payment of the intrest, which the orders of Council were to bear mention'd in the bill, so they lookt upon it as a diminution of H.M. Revenue and therefore declin'd passing it. The Assembly having the first mention'd bill so much at heart and they percieving little hopes of my passing it contrary to the advice of the Council, they sent me a message on the first instant desiring a recess, which I communicated to His Majesty's Council who were of opinion to prorogue them to the 24th of October next, to which day they now stand prorogued, when I hope both the season and the persons will be cooler. The Minutes of the Council and Assembly are so voluminous that it was imposible to have them transcribed at length to transmit by this conveyance, but they shal be sent by the next opportunity and since the most material transactions are inserted in the enclosed papers, I hope it may for the present answer your Lordpps.' expectations from me. The settlements at Port Antonio are going on with a good prospect, many orders are already issued to the inhabitants, newcomers *etc.* for the taking up land there agreeable to the last Act passed here (tho' not yet at home) for the settling that part of the country ; I recommend it to your Lordships to obtain H.M. assent to that law if not already done, and nothing could contribute more to the security and strength of the settlements there and indeed of the whole Island than an Engineer, whom I have long expected and who is absolutely necessary for erecting new and repairing our old fortifications, which is all that at present occurrs from, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 3rd Oct., Read 13th Nov., 1728. 3½ *pp.* *Enclosed*,

344. i. Governor Hunter's Speech to the Council and Assembly. *Recommends* effectual measures to reduce rebel slaves, the appointment of an Agent to solicite their affaires at home, a bill to prevent litigious suits, the reduction of the present high interest of money and the high value of current coin, and repair of public buildings, prison, barracks etc. *Copy.* 3 *pp.*

344. ii. Address of Assembly in reply to preceding. *Copy.* 1 *p.*

344. iii. Act passed by Assembly 18th July, 1728, *to oblige creditors to accept of the produce of the Island in payment of their debts.* *Copy.* 4½ *pp.*

344. iv. Reasons advanced by Richard Mill in Council against preceding bill. *Copy.* 3½ *pp.*

344. v. Petition of merchants and traders of Kingston to Governor Hunter. Object to above bill (*No.* iii), showing that it will injure the credit of the Island and ruin many of the inhabitants *etc.* 35 *signatures. Copy.* 7¼ *pp.*

344. vi. Reasons advanced in Council by James Lawes against said bill. *Copy.* 2 *pp.*

344. vii. Arguments used for passing said bill. 3¼ *pp. Nos.* i—vii *endorsed,* Recd. 3rd Oct., 1728. [*C.O.* 137, 17. *ff.* 110—111*v.*, 113—125, 126*v.*]

Aug. 3. Jamaica. **345.** Governor Hunter to Mr. Popple. I referr you to mine to their Losps. (*preceding*) for information of what has been done or rather that nothing has been done in this session of Assembly and the causes or pretences for that conduct tho' no buss'nesse but their own lay before them. They requested a recesse and I granted it to cool them. I had one overture in my head which I did not care to offer to their Losps. in order to make that sugar bill tolerably just. If you think fitt to offer to any of yr. board particularly you may. It is this. That the debtor ship the sugars at his own cost and risque and draw upon them at a certainty pr. cent by wch. means the creditor will be in a better state then by ye bill and I believe none will decline such payt. We are indeed distress'd for want of currency and if ye evil continues the bill will be reviv'd again *etc. Signed,* Ro. Hunter. *Endorsed,* Recd. 8th Oct., Read 13th Nov., 1728. *Holograph.* 1¼ *pp.* [*C.O.* 137, 17. *ff.* 108, 108*v.*, 109*v.*]

Aug. 3. Jamaica. **346.** *Same* to the Duke of Newcastle. To same effect as preceding, enclosing copy of his letter of 3rd Aug., and adding :—By a sloop from Porto Bello I am inform'd that they are loading the silver of the galleons on board the fourteen ships of warr they have there, the galleons being unserviceable. Their privateers continue their depredations. Mr. St. Lo had sent to demand restitution but I know not what return he has had, *etc. Signed,* Ro. Hunter. *Endorsed,* R. Oct. 7th. *Holograph.* 1¾ *pp. Enclosed,*

346. i. Duplicate of *No.* 344. [*C.O.* 137, 53. *ff.* 70, 70*v.*, 71*v.* —73*v.*]

Aug. 5. Jamaica. **347.** James Wimble to the Duke of Newcastle. Bound for Jamaica with produce of N. Carolina, his sloop and cargo valued at £877. 14*s.* sterl., were taken by a Spanish privateer from Cuba, off Hispaniola on 7th May. Has made his complaint to the Governor and Commodore here, who have sent a man of war to demand reparation from the Spaniards for the damage they have done, which is 15 sail taken from the English. The Spanish Governor refused to make satisfaction *etc.* Petitioner who was born in Sussex and lives at Boston is thus entirely ruined, the sloop and cargo having been his whole substance.

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Asks his Grace to "fevour me with a line to setesfy me wether i can recover anything from ye Spand." or, if not, to provide him with some small post in New England *etc.* *Signed*, James Wimble. *Endorsed*, R. Oct. *Addressed.* *Postmark.* 1 *p.* [*C.O.* 137, 53. *ff.* 78, 79*v.*]

Aug. 5. Victualling Office.

348. Commissioners for Victualling the Navy to Mr. Popple. *Reply to* 30th July. We have not heard that duties have been paid or demanded till now *etc.* Altho' it is taken for granted in generall that where the Islands afford a sufficiency of rum or other species, the ships are supplyed out of the produce of each place, yet in cases of absolute necessity from bad crops, unforeseen large demands, or other accidents, by which there shall not be sufficient to answer H.M. service, as was the case in 1726, when we were obliged to send both rum and wine for the Squadron in the West Indies without paying any duty *etc.* We conceive that on such emergencys H.M. ships should in like manner be permitted to have supplys from other places *etc.* 4 *signatures.* *Endorsed*, Recd. Read 6th Aug., 1728. 2 *pp.* [*C.O.* 137, 17. *ff.* 70, 70*v.*, 71*v.*]

Aug. 6. Whitehall.

349. Mr. Popple to Mr. Attorney General. Asks for opinion whether H.M. may legally grant Mr. Donovan a *noli prosequi* etc. *Encloses* papers relating to the case (*v.* 30th July *etc.*). [*C.O.* 138, 17. *p.* 250.]

Aug. 7. Whitehall.

350. Mr. Popple to the Commissioners for Victualling H.M. Navy. Enquires whether the wine and rum, mentioned 5th Aug., were sent directly to the Squadron or first landed in the West Indies, and where the Squadron then was. [*C.O.* 138, 17. *p.* 250.]

Aug. 9. Virginia.

351. Lt. Governor Gooch to the Council of Trade and Plantations. I have the honour of your Lordships letter of the 7th of May. In answer to it, I begin with giving your Lordships the strongest assurance, that nothing shall slip my observation, and that every occurrence from time to time shal be faithfully transmitted to your Lordships. I return your Lordships my thanks for approving the person I recommended to succeed Col. Harrison. The reprehension I meet with in the next paragraph of your Lordsps. letter for the violation of my Instructions is what I very justly deserve, if the reasons I humbly presume to offer will administer no alleviation. But my Lords before I left England, being there told that perhaps something of this kind might happen, I acquainted the Duke of Newcastle and Sr. R. Walpole of it; and afterwards told Ld. Westmorland that if anything abroad happens to my advantage, I hoped to find favour at your Lordships Board; I can't say his Lordship made me any other reply than wishing my health and a good voyage: but the answer His Grace gave me, was, that I might expect the same indulgence with other Governours; Sr. Robert to the same effect. This, my Lords, was the method I took, and from what I have now the honour to relate to your Lordships I must own that I thought if I did accept of such offers as have been made me, I had a sufficient dispensation till H.M. pleasure was known; and that before your Lordships justice, this action would have received a favourable construction. That other Governours have been thus indulged, the late Mr. Nicholson is an instance of it in this Colony; he had the same present allow'd to him at a time when £300 would have gone as far as double that sum will do now. My Lords, the charge I was at to bring my self and family hither, was not £20 less than the present from the Council: the money I was out of pocket to equip my self for this publick and expensive station, will hardly be reimburs'd in five years, a long time to live in this country, and get nothing, and I do aver to yr. Lordships that these presents were made to me, without my being by word or deed concern'd. My Lords these are the reasons I presume to offer, and thence humbly hope when your Lordships shal reconsider my circumstances, your Lordships will be prevailed upon to favour my acceptance not only of the £300 from the Councill, but also the £500 cur. the generous offer of the people whom I have the honour to govern. I hope these arguments will mediate some excuse for what I have done, and interceed with your Lordships for forgiveness, which in my future conduct I shall study to deserve. The first oppertunity I shall propose a law to be passed as directed by my 119th Instruction for making the Virginia estates of bankrupts liable to the satisfaction of their English creditors. Your Lordships will find that in the Act passed for building a lighthouse, care was taken to insert the proper clause. By a letter I received from our Agent Mr. Leheup, I am told that your Lordships have been informed that the tobacco law limitting the number of plants to be tended by each tythable is a great hardship laid by the rich on the poor planter. But your Lordships will find by that Act a particular indulgence allowed to people having no slaves, that they may tend 10,000 plants when all others are restrained to 6,000 only. The circumstances of the country make it very evident that the rich are much more cramp't by this law than the poor: since the former having large tracts of lands, have more of that which is good to employ their slaves on than the poorer sort, who are possest of small quantitys, and who cannot without destroying that they have, afford to cultivate more of it than the 6000 plants for each tythable. And it has been found generally true, that the far greater part of the planters never tended so great a quantity as the law allows, tho by a miscomputation they imagined they tended more. My Lords, the only persons aggrieved by the restraint of planting are those who have great tracts of fresh land and many slaves, for they would have indeed the advantage

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of planting more tobacco on such fresh grounds and tending it more easily than others can on lands that have been cultivated before ; and having abundance of hands to employ on these new lands, whenever the price of tobacco gives encouragement they can make much greater crops than now they are allow'd to do ; but at the same time it must be said that though they may plant more in quantity yet it frequently proves very mean stuff, different from the tobacco produced from well improved and well tended grounds ; and tho' it may sometimes happen that a rich man by the advantage of his money and the benefit of the prompt payment at ye Custom House gets as good a price and by this means more money than any industrious but poor planter can, yet the rich man's trash will always damp the market and spoil the sale of the poor man's good tobacco which has been carefully managed : a mischief which this law is calculated to remedy and to encourage at the same time good tobacco, by allowing as much to be planted as can be carefully and honestly tended and cured. This my Lords is really the truth of the case whatever pretences may be advanced to your Lordships in favour to the poor ; for 'tis the rich complain and they only are the sufferers. I must observe to your Lordships that since the restraint of planting ; as much tobacco has been exported hence as ever was before ; so that the law dos no injury to H.M. Revenue, nor to the Planters industry. I herewith transmitt to your Lordships duplicates of the Journals of Council, and of the Assembly, and of the Laws. And the list of negroes and Madeira wine imported. I have also sent the copy of a letter I writt to the Board of Ordnance with a list of all the warlike stores in this Colony. *Signed,* William Gooch. *Endorsed,* Recd. 21st, Read 26th Nov., 1728. *Holograph.* 2¼ *pp. Enclosed,*

351. i. List of ships that have imported negroes, Port South Potomack, 29th Sept. 1727—25th March, 1728. *None. Signed,* Thomas Lee, Naval Officer. *Slip.*

351. ii. List of ships that have imported negroes, Port of Rappahanock, Sept. 29, 1727—April 25, 1728. *None. Signed,* Robert Carter jr. N. Off. 1 *p.*

351. iii. List of ships that have imported negroes, York River, 29th Sept. 1727—25th March, 1728. One, with 211 negroes, by separate traders. *Signed,* Will. Robertson, Navl. Offr. 1 *p.*

351. iv. *Ditto,* James River and Eastern Shore. *None.* 1 *p. Nos.* i—iv *endorsed,* Recd. 21st Nov. 1728.

351. v. Ships importing merchandize from Madeira and the Western Islands, South Potomack. *None.* Same period and signature as No. i. 1 *p.*

351. vi. *Ditto,* Rappahanock. *One.* Same period and signature as No. ii. 1 *p.*

351. vii. *Ditto.* York River. *Three.* Same period and signature as *No.* iii. 1 *p.*

351. viii. Account of Stores of War in Virginia, 1728. *Endorsed as No.* iv. 2 *pp.*

351. ix. Lt. Govr. Gooch to the Board of Ordnance with request for stores of war. *Without date or signature. Endorsed,* Recd. 21st Nov., 1728. *Copy.* 1½ *pp.* [*C.O.* 5, 1321. *ff.* (*with abstract*) 74—76, 77, 78—79, 80, 81—82*v.*]

Aug. 10. Parsons Green. **352.** Sir C. Wager to Mr. Delafaye. Capt. Rogers who brings you this letter tells me that nothing is yet refer'd to the Board of Trade relating to the Bahama Islands. I think some determination should be come to in that affair; and therefore if there be anything to be refer'd, I desire you will do it, that poor Rogers may be out of his pain *etc. Signed,* Cha. Wager. 1 *p. Enclosed,*

352. i. Capt. Rogers to Mr. Delafaye. London, 12th Aug. 1728. Entreats him to get the enquiry into the state of the Bahama Islands referred to the Board of Trade *etc.* The Duke of Newcastle and Lord Townshend promised it should be done these three weeks past. *Continues*:—As I had no opertunity to explain myselfe to you when I saw you last at Court, I hope you'l pardon this freedom, since I am forced to move for my former employment in a manner that I don't chuse, and have avoided it as long as I cou'd, tho' I tryed to have my own conduct examin'd, and never was able to get it done; yet I am sorry I must be a meanes to examine his, or I can't be restored to the employment, that I hope in justice I may ask for. I wish Mr. Pheney's friends had not desir'd to justifie his actiones, since I am pretty sure if they are known, they cannot turn to his advantage, the place being now in a much worse condition as to people than it was seven years agoe, when I came thence. Besides he sold a company of Dragoons he comanded before he left England, and had mine given him with the Govermt., yt. I preserved to my ruin, and he may have my halfe pay if he returns, he can't think it a hardship on him, since I was so odly removed by surprize, when there never was nor I beleive ever will be a good reason given for it, nor would I aske for the same imployment again, did I not depend I could do ye publick great service, in improving what I began, and make it a place of consequence" *etc. Refers to* his recommendations *etc. Signed,* Woodes Rogers. *Holograph.* 2 *pp.*

352. ii. Petition of Capt. Rogers to the King. Prays to be restored to his Governorship of the Bahama Islands, or compensated for his losses and sufferings in that service *etc. Copy.* 2 *pp.*

352. iii. Testimonial to Capt. Rogers, recommending above petition to Sir Robert Walpole. Capt. Rogers behaved with the utmost resolution and fidelity, tho' to the ruin of his own fortune *etc.* London, Feb. 29, 172$\frac{7}{8}$. *Signed*, John Eyles, Montagu Barnard, Gilbt. Heathcote, Micajah Perry, E. Vernon, Fran. Fane, Geo. Gregory, Hum. Morrice, Jno. Lambert, Ed. Harrison, Matt. Decker, Hans Sloane, Edwd. Southwell, G. Earle, John Gould, Hen. Herring, H. Raymond, Matt. Martin, Jos. Eyles, Saml. Winder, Wm. Sloper, Edmnd. Halsey, John Hart, Alexr. Spotswood, Benj. Bennet, Chas. Boone, Saml. Shute, Peter Walter. *A copy delivered* to the Duke of Newcastle. *Copy.* 1$\frac{1}{3}$ *pp.* [*C.O.* 23, 14. *ff.* 45, 49—49*v.*, 51–52*v.*]

Aug. 12. Victualling Office. **353.** Commissioners for Victualling the Navy to Mr. Popple. *Give* details of rum and wine sent to the Squadron in the West Indies in 1726 *etc.* *Conclude* :—In both cases the Secretary of State was desired by the Lords of the Admiralty to obtain H.M. orders to the Government of Jamaica to permit the delivery thereof duty free *etc.* *Four signatures.* *Endorsed*, Recd. 13th, Read 18th Aug., 1728. 2 *pp.* *Enclosed*,

353. i. Lords Commissioners of the Admiralty to the Commissioners for Victualling the Navy, 13th Oct. 1726, with Mr. Burchett's letter enclosing same. *Endorsed*, Recd. 13th Aug., 1728. 2 *pp.* [*C.O.* 137, 17. *ff.* 76, 76*v.*, 77*v.*—78*v.*, 79*v.*]

Aug. 13. **354.** Mr. Popple to the Board of Works. There being several small repairs necessary to be made in this Office, not observ'd in the late estimate, my Lords Commissioners *etc.* desire you will give directions that the same be made before the workmen leave the office. [*C.O.* 389, 37. *p.* 293.]

Aug. 13. New York. **355.** Governor Montgomerie to the Duke of Newcastle. The Assembly met on 22nd July. *Encloses* his Speech to them *etc.* and their resolve to grant a revenue for the support of H.M. Government. *He insisted* warmly in his Speech upon supporting H.M. prerogative, because the Members now returned being mostly the same as before, he feared they would persist in their extravagant resolutions relating to the Court of Chancery. *He hopes* it will prove of good effect, but suggests that some alterations in that Court would be for the King's service and the good of the Province *etc.* *Set out*, N.Y. Col. Docs. V, *pp.* 857, 858. *Signed*, J. Montgomerie. *Endorsed*, R. Oct. 10th. *Holograph.* 3 *pp.* *Enclosed*,

355. i. Duplicate of *No.* 356.

355. ii. Governor Montgomerie's Speech to the Assembly of New York, with their reply, 23rd July, and their resolu-

tion of 31st July, that "there shall be given to H.M. *etc.* an ample and honourable support for His Government of this Colony from 1st Sept. 1728 to 1st Sept. 1733." *v.* Sessional Papers. *Copy.* 3¾ *pp.* [*C.O.* 5, 1092. *Nos.* 70, 70. i, ii.]

Aug. 13. New York. **356.** Governor Montgomerie to the Council of Trade and Plantations. *Encloses* Acts of New Jersey, passed in the last Assembly, Minutes of Council and a letter from Governor Burnet relating to them, and list of vessels entered inwards or cleared outwards at New York, 29th Sept., 1727—25th March, 1728. Neither the Acts nor Minutes are abstracted in the margin, but this is not his fault, as he never saw them till the night before Governor Burnet left *etc.* *Continues:* I hope Governor Burnet's letter will fully satisfy your Lordships that there is no danger in applying the 5 per cent interest of the Jersey bills, for the support of H.M. Government; the certificates he sends are proofs that the bills are annually and duely sunk, and that the credit of and value of those that remain rises, while this is the case the art of man will not induce the Assembly to apply the interest in any other way, and it will be a dangerous thing to let such a sum remain in the Treasurer's hands *etc.* *Concludes, ut supra.* *Set out,* N.Y. Col. Docs. V. *pp.* 858, 859. *Signed,* J. Montgomerie. *Endorsed,* Recd., Read 9th Oct., 1728. *Holograph.* 4⅔ *pp.* *Enclosed,*

356. i. Duplicate of *No.* ii encl. preceding. *Same endorsement.* 3⅓ *pp.* [*C.O.* 5, 1054. *ff.* 298—302*v.*]

Aug. 13. **357.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. We have considered the Act of New York *for preventing prosecutions by informations,* and the annexed Memorial etc., and are of opinion that the said Act is a high encroachment upon H.M. undoubted prerogative of proceeding by way of information, and of dangerous consequence, and therefore not fit to be approved. *Signed,* P. Yorke, C. Talbot. *Endorsed,* Recd. 14th Aug., Read 3rd Sept., 1728. 1½ *pp.* *Enclosed,*

357. i. *Copy of No.* 4.

357. ii. *Copy of No.* 313. [*C.O.* 5, 1054. *ff.* 283, 283*v.*, 284*v.*–288, 289.]

Aug. 13. Hampton Court. **358.** Lord Townshend to the Council of Trade and Plantations. *Encloses* following for their report and desires "an account of the present state of the Bahama Islands . . . . . and in what manner it appears to you that Governor Phenney behaves in the discharge of his office." *Signed,* Townshend. *Endorsed,* Recd. Read 14th Aug., 1728. 1 *p.* *Enclosed,*

358. i. Remarks on the Island of Providence. 3 sloops only and 20 seafaring men, some absent. About 100 men that can bear arms in all the island, many always absent; difficult to make a jury of 12 men. If Mrs. Phenney were

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gone, and an Assembly settled, many inhabitants would come. The Governor ingrosses all the trade. Mrs. Phenny sells rum by the pint, and biscuit by the half ryal. The present Lessees have a lease of 21 years, of which half is now expired; but have power to grant land for 99, but former inhabitants pretend titles to the land near the sea *etc.* that it requires an Act of Assembly to settle titles. They have expended £35,000 in that undertaking, building forts etc., but some of their Agents have dyed, some been taken by the Spaniards, and others applyed their goods to their own use. The pirates have been dislodged, and the island defended against the Spanish attack, but if some care be not taken, the pirates will plunder and take possession of Providence again, or the Spaniards seize on it. Bahama Proprietors the same as Carolina, and Lord Berkeley added *etc. Notes of Governor Phenny's account of the islands. Endorsed as preceding.* 1¾ *pp.*

358. ii. Mr. Curphy to Sir Chas. Wager. When your Honour was pleased to enquire of me after the state of the Bahama Islands, and the administration of Captn. Phenny, I both truly and particularly gave you an account of its present unhappy circumstances. *Refers for further particulars* to one Boswell formerly Commander of the Company's trading sloop at Providence, who has already given an account to Capt. Hide *etc.* "He will confirm every article I have offered in regard to the male proceedings of that Governor, whose conduct only has caused it to be forsaken by all that were in any capacity of going off from that island." *Signed,* Tho. Curphy. *Same endorsement. Copy.* 1 *p.*

358. iii. Mr. Curphy to Mr. Hughes. June 28, 1728. Gives an account of the circumstances of the execution of John Wadsworth. Enclosed in *following. Signed,* Tho. Curphy. *Same endorsement. Copy.* 3 *pp.*

358. iv. Edward Hughes, Judge Advocate General, to the Duke of Newcastle. Horse Guards, July 28, 1728. I think it my duty to lay before your Grace the cruel and unlawful proceedings of Capt. George Phenney of an Independant Company at Providence. In 1722 a court-martial was held there, when John Wadsworth was tried for desertion. The Court was composed of Capt. Phenney, Lt. John Howell, contrary to the Act of Parliament which appoints the President not to be under the degree of a field officer and not less than 12 other commission officers. Wadsworth was condemned and the proceedings confirmed by the Lords Justices, but I refused to grant a warrant

for his execution on finding the illegality of the proceedings. In less than a month after my refusal, a letter came from Governor Phenney recommending him for mercy, and the first Clerk of the War Office informed me H.M. had pardoned Wadsworth, who had been 18 months in a dungeon underground. Lately at the War Office a Chaplain informed me that the Governor had born the poor man a very ill well, and as he found he could not try him by martial law, he appointed his Lieut., John Howell Attorney General and another officer Judge of the Admiralty and a Court and a Jury of old pyrats and mulattoes (for there is few others on the Island, driven away by the unheard of cruelty's of the Govr.) and they proceeded to try Wadsworth for a pyracy, in that he took a small canoe with 2 paddles and went to some part of the island in company with one Hart. Both were condemned and Wadsworth hanged *etc.* *Asks for* "an enquiry into the conduct of this cruel man, and for the murther of a poor unfortunate gentleman who was kept in the island on such a slavery which caused him to desert" *etc.* *Signed,* E. Hughes. *Same endorsement.* 3 *pp.* [*C.O.* 23, 2. *ff.* 148, 149*v.*—150*v.*, 151*v.*, 152, 153*v.*–157*v.*]

Aug. 14. **359.** Col. Dunbar to Mr. Popple. Mr. Armstrong, deputy to his predecessor, Mr. Burniston, lately marked out 770 trees for H.M. use, from 24 to 35 in. diameter, and made a seizure of 2000 logs of the same diameter *etc.*, each of which the inhabitants having cut within their townships, alledged were not within the jurisdiction of the Admiralty, and that being felled they remained the property of the fellers *etc.* Is informed they have been condemned. Is sailing for N.E. in 14 days and desires the Board's directions, any acts or papers for his instruction; and the limits of Nova Scotia, since there is a large country lying waste between it and New England, upon which grows the best timber. Unless this is esteemed part of Nova Scotia, as it was when the French had it, he will want power to mark out there any of the 200,000 trees to be reserved for H.M. use. *Signed,* David Dunbar. *Enclosed,* Recd. 13th (*sic.*), Read 28th Aug., 1728. *Holograph.* 2 *pp.* [*C.O.* 5, 870. *ff.* 119, 119*v.*, 120*v.*].

Aug. 14. Whitehall. **360.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following.

360. i. *Same* to the King. Enclose following.

360. ii. Draught of Instruction for Governor Philipps relating to the observance of the Acts of Trade and Navigation. *In the usual form.* [*C.O.* 218, 2. *pp.* 120, 121.]

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Whitehall.

361. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Autograph Signatures.* 1 *p.* *Enclosed,*

361. i. Draughts of H.M. Warrants to the Governors of the Massachusets Bay, New Hampshire, New Jersey and Bermuda, empowering them to use the new Seals (*described*), and requiring them to return the old Seals to be defaced *etc.* [*C.O.* 5, 4. *Nos.* 34, 34. i–iv; *and* 5, 916. *pp.* 170–174.]

Aug. 14.
Barbados.

362. Governor Worsley to the Duke of Newcastle. *Encloses following Address. Continues*:—After it was read in Council, I ordered an Address to be read of the General Assembly, 16th Feb. 1720; in which there are these words, "We cannot express the discontents occasioned by those charges, which tend apparently to revive, and support an expiring faction among us, who are known enemies to the peace of their countrey, and have been always suspected of disaffection to your Majesty, and your Royal House." I must also beg leave to observe to your Grace a particular passage in the Address of the present Assembly, "Or redressing any grievances the people labour under." Upon this head I had the honour to observe to your Grace, 4th Aug. 1727, that the Assembly thought themselves upon the same foot as the Parliament of Great Britain, and they have for these many years aimed at it; on 9th Aug. 1698, an Act was passed here, *to declare and ascertain the rights and powers of the General Assembly.* But the 18th of May following King William repealed that Act, so that I can't be enough surprised to find them attempt it again. In the last paragraph of their Address to me they say, "We shall loose no time in passing the Excise bill recommended to us, nor shall we be wanting to propose all such other bills as in our humble apprehensions shall tend to the publick peace, welfare, and good Government of the Island, with dutiful regard to the honour and dignity of the Crown." And at the same time, as your Grace will observe by a copy of their Excise bill, which I have sent your Grace inclosed, tho' not yet passed the Council, they have shewn very little regard to the Crown, and would encroach upon the King's prerogative, as is evident from the several provisions they have now put in this Excise bill: "That a particular account of all such necessaries and utensils be first laid before the Assembly to be by them inspected, regulated, and approved of, and they thereon address the Governor etc., and Council for the payment thereof; and the Treasurer for the time being is hereby strictly enjoyned and required not to pay or allow of any order or orders that shall be granted or obtained for the payment of such necessarys and utensils, unless such order or orders be obtained in manner aforesaid, and the Committee of publick accounts for the time being is hereby strictly required and enjoyned, not to allow of any order or orders that shall be granted or obtained for the payment of such necessarys or utensils, unless the same be obtained in manner aforesaid, to the credit of the Treasurer for the time being, upon his accounting with them, any law, usage, or custome to the contrary notwithstanding." For keeping the Magazine buildings in repair, "for which no summ or summs of money shall be paid to any person or persons whatsoever by the Treasurer for the time being, on any order or orders that shall be hereafter past, but such only as shall be addressed for by the General Assembly, and obtained in the same manner as is herein before appointed in this clause, nor shall they, or any of them, be allowed of by the Committee of publick accounts to the credit of the Treasurer, on his accounting with them" *etc.* An attempt of this nature was never yet made before in this Island, and contrary to H.M. 34th Instruction to me, and having notice thereof, before the bill was read the second time for passing, I sent, by the Provost Marshall, an authentick copy of the said Instruction to be laid before the Assembly, yet they had no regard to it, and passed the bill the second time, and sent it to the Council, and upon perusing the bill, finding that it was not drawn so carefully but that it clashed with some other of H.M. Instructions; before the bill was read in Council, fearing least they might likewise pass it, I told them that they were H.M. Council in this Island, and that they might not be ignorant of H.M. commands, I had ordered the Clerke to lay before them H.M. 15th, 16th, 21st and 34th Instruction to me. Upon which the Council made amendments to the bill nemine contradicente, which, with the bill, were sent down to the Assembly *etc.* *Refers to enclosed* Minutes of Council. *Continues:*—To which the Assembly disagreed, and desired a conference with the Council, which the Council agreed to the next day, and a Committee was appointed to confer with a Committee of the Assembly, and after the Conference was over, the Committee of the Council made their report to the Council, and sent it down to the Assembly, and at the same time desired to know if what they had therein reported to the Council, were their reasons for not concurring with the Council in their said amendments, and if there was anything added, or diminished, that they would set it right, and return it in writing, and then the Council would return an answer thereto *etc.* (*v.* Minutes of Council and Assembly). I must now beg leave to make some observations from the Minutes of the present Assembly; On the 13th of July, the first day they met, they sent two Members to me to know to what time they should adjourn, but have since that adjourned of their own accord; In their Minutes of the 25th past they agreed to a petition to H.M. of grievances, and tho' it passed the House, yet it was not ordered to be

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entered in their Minutes, so that I can't have a sight of it, but I am told it is much the same they sent last year, when thirteen of them met together tho' they were then prorogued; In the Minutes of the 5th instant, they chose a new Speaker, and Collo. Peers was chose nemine contradicente, indeed I had approved of him before at the beginning of the Sessions, but yet I think they ought to have known if I would approve of him, their custome is to choose a new Speaker after every four sittings; In the Minutes of the same day they have passed a bill to exclude the Members of the General Assembly from certain offices civil and military, which was rejected last year. In the Minutes of the 8th of August, there is somthing very particular in Mr. McMahon's Speech, "that they could not with any regard to the rights, properties, or libertys of the people they represent, recede from what they had proposed and agreed to in the said bill." The same Gentleman makes an observation upon me, which indeed proceeded from a mistake in the Clerk of the Council, in minuting, that the report was made to me and the Council, tho' I did no ways vote with them, and only appointed the Committee, which the Council told me I ought to do, and it has always been the practice upon the passing of all bills, for the Governor to be present, and whenever the prerogative of the Crown interferes with the interest of these people, it may not be thought unnecessary, especially since the Assembly say upon this head, that their interest, and that of the Council, is all one; (*v.* Report of Committee of Council). I am at a loss to know what they mean by the rights, properties, and liberties of the people; in this very strain they talk't last year, and how far they may carry it I can't tell. I think they have none but what appears in H.M. Commission and Instructions to his Governour, and I am induced to believe it, not only from the repeal of an Act *to ascertain the rights and powers of the General Assembly*, as abovementioned, but also from the repeal of an Act passed 1697, *for the better securing the liberties of H.M. subjects etc.*, which is the very same as the Habeas Corpus Act in England, and was repealed the 9th of July, 1702, tho' they do enjoy the benefit of it by H.M. Instructions to the Governour. The 12th instant the Assembly sat, and taking into consideration the Council's message in relation to the Committee of Council's report *etc.* (*supra*) they ordered that a copy of their Minutes relating to the Excise bill, should be forthwith delivered to the Clerk of the Council, and the Council sitting the next day, it was laid before them, by which your Grace will see, that the Assembly insist upon having given full and weighty reasons to the Committee of the Council, for their disagreeing to their amendments to the Excise bill, and that the Committee of Council had not reported their reasons to the Council, as they were urged, and that they were ready to confer with the Council on the

Excise bill, and their amendments which they had disagreed to; After the said Minutes were read, the Council sent a message to the Assembly in the words following:—" The Council having observed by the Minutes of the Assembly, that the Gentlemen of that House had suggested, that the Committee of the Council appointed to confer with them about the amendments made to the Excise bill, had misrepresented their meaning in several particulars, have resolved, in order to prevent any misunderstanding for the future, and to shew their readiness to joyn with them in everything that is consistent with their duty, and the publick good, that they will draw up their reasons in writing for making such amendments (for which purpose they have appointed a Committee) and that a copy of such their reasons should be sent to them *etc.* But as I believe the Assembly will not agree to the amendments of the Council, I am afraid they will not pass another Excise bill, tho' I should prorogue them (as I guess I shall be obliged to do) after such a manner as the Council can pass, or I give my assent to, until H.M. commands in relation to these amendments shall be signified; and what makes me the more apprehensive of it is, that the same notions of the rights, libertys and properties of the people are almost universally imbib'd by the inhabitants of this Island. P.S. The Amendments of the Council to the Excise bill are in the Minutes of the 6th inst. *etc. Signed,* Henry Worsley. *Endorsed,* Rd. Oct. 8th. 13 *pp. Enclosed,*

362. i. Excise bill as passed by the Assembly, 25th July, 1728. *Copy.* 27¼ *pp.* [*C.O.* 28, 44. *No.* 122 (*covering letter only*); *and* (*enclosure only*) 28, 39. *No.* 49.]

Aug. 14. Barbados. **363.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis. Signed,* Henry Worsley. *Endorsed,* Recd. 7th, Read 15th Oct., 1728. 13 *pp. Enclosed,*

363. i. Governor Worsley's Speech to the Assembly. Proposes loyal address and recommends passing of the Excise Bill and repair of fortifications *etc.* " We cannot be too zealous in demonstrating our loyalty and duty to H.M., and in inculcating the same principles amongst the people of this island *etc.* Those only who have such principles can expect my countenance and favour." *Copy.* Certified by Wm. Webster, D. Secry. 1 *p.*

363. ii. Address of the Assembly of Barbados to Governor Worsley. July 25, 1728. 'Tis with hearts filled with zeal and humble affection to H.M. most sacred person, and Government, that wee the Representatives of H.M. most dutifull, and loyal subjects *etc.* do acknowledge your Excy's. favour, in giving us this oppertunity of appearing their choice in the first

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Assembly, under our most gracious Sovereign. Wee most unfeignedly acknowledge the inestimable goodness of the divine Providence in securing to us the succession of so heroic, so glorious and so deservedly beloved a Prince, to the Throne of his royal Father, our late dear Sovereign Lord, *etc.*, from whose royal influence only wee, in common with his other subjects can hope for the security of our libertys and the enjoyment of our religious and civil rights. These, may it please your Excellency, are the well known sentiments, not only of ourselves, but of all the inhabitants of this Island whom wee represent, who have never omitted laying hold of any occasion to demonstrate to the world their loyalty, and duty to H.M., and the sincere warm affection, long since kindled in their bosoms, in favour of a Protestant King, in preference to a popish Pretender; and therefore 'tis matter of surpriz and affliction to us to observe in your Excellency's Speech, an insinuation, as if some among us, or the people wee represent were wanting in principles founded in loyalty, or duty to so excellent a monarch. Sure wee are, a charge of this nature, as it has no foundation, will find credit nowhere; nor shall such a misrepresentation have any other effect on our conduct than to incite us by a constant persevering in the same principles, wee have hitherto profest, and acted by, ever full of loyalty duty and affection to his present Majesty, to satisfy the world that wee have no ways deserved it, and that however wanting wee may be in other respects wee are not behind any of H.M. subjects in loyalty duty and affection to him. Wee now beg leave to assure your Excellency that if wee are not obstructed by long adjournments and prorogations, wee shall chearfully enter on the publick business, and dispatch it with the utmost application. 'Tis with concern wee are forced to appeal to the Minutes of ye last Assembly for a proof of the many unhappy consequences frequent prorogations may be attended with in respect to the prosperity and welfare of this poor island, by preventing the representative body from even proposing any advantages to trade or redressing any grievances the people labour under. And as the ruinous condition of the forts, batterys and fortifications must give the inhabitants dismal apprehensions of greater calamities than they have yet felt, at a time especially when our enemies the Spaniards have taken our ships in the latitude, wee cannot may it please your Excellency, but humbly represent to you that unless effectual methods may speedily be pointed out and provision made for repairing them, wee shall of all H.M. subjects in the Collonys be most exposed to ruin and desolation. And as it becomes us from the trust reposed in us by the People, not to conceal from your Excellency the true state of their condition, wee humbly take leave further to represent to your Excellcy. that the large tax which the inhabitants have been obliged for several years past to pay for your Excy's use (the payment whereof brings almost the whole currt. cash of this Island yearly into your Excy.'s coffers, and thereby in great measure stagnates trade, and at the same time lowers the value of all our countrey produce) hath so reduced them, and drained the island that they cannot support the load of any new impositions (the annual excise excepted) and therefore if that heavy tax be continued, unless your Excellency will for the dignity of the Government, apply a reasonable proportion thereof towards the repair of the forts, batterys and fortifications they must, for some time at least, remain in the wretched condition they are now in *etc.* Wee shall lose no time in passing the Excise bill, nor shall we be wanting to propose all such other bills as in our humble apprehensions shall tend to the publick peace, welfare and good Government of the Island, with dutyfull regard to the honour and dignity of the Crown. *Signed,* Robt. Warren, Cl. of the Assembly. *Endorsed,* Read 7th Oct., 1728. *Copy.* 3¾ *pp.*

363. iii. Address of the Assembly of Barbados to the (*late*) King. 16th Feb., 1720. Complain of the measures taken by President Sharpe to encourage the enemies of H.M. House and permission of trade with the French, and of his continual adjournments of the House *etc.* *Signed,* Edmund Sutton, Speaker *and* 19 *others. Endorsed as preceding. Copy.* 3 *pp.*

363. iv. Duplicate of *No.* 362 i. *Same endorsement.* [*C.O.* 28, 20. *ff.* 2–8, 9*v.*, 10, 11–12*v.*, 13*v.*–16, 17–30*v.*]

Aug. 15. Hampton Court. **364.** Order of King in Council. Approving representation of Board of Trade, and ordering that the Governor of Barbados recommend the Assembly to make immediate payment of what is found due to Mr. Whitworth for his fees as Secretary, and for the future *etc.* *Set out,* A.P.C. III, *No.* 154. *q.v.* *Signed,* Ja. Vernon. 1⅔rd *pp.* *Endorsed,* Recd. 19th Oct., Read 20th Nov., 1728. 1¾ *pp.* *Enclosed,*

364. i. Account of fees due to Mr. Whitworth as Secretary of Barbados. *Total,* £1333 12*s.* 6*d.* *Signed,* Frans. Whitworth. 2½ *pp.* [*C.O.* 28, 39. *Nos.* 45, 45 i; *and* (*without enclosure*) 28, 20. *ff.* 70, 70*v.*, 71*v.*]

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[Aug. 15.] **365.** (1) Order of Council, 28th March, with instructions to Col. Dunbar. *Copy.* 2½ *pp.*

(2) Order by the Lords Commissioners of H.M. Treasury upon above. *Copy.* 2 *pp.*

(3) H.M. Instructions to David Dunbar, Surveyor General of the Woods on the Continent of America. Richmond. 13th June, 1728. *Copy.* 6 *pp.*

(4) H.M. Warrant for salaries for Col. Dunbar (for marking the 200,000 acres in Nova Scotia) £200; and his deputies (£100 each) 25th June, 1728. And for two deputies, ships-carpenters, £100 each, and £200 for assistant surveyors *etc.* Richmond. 25th June, 1728. *Copy.* 5 *pp.* The *whole endorsed,* Copys from the originals recd. from Col. Dunbar, 15th Aug., Read 20th Nov., 1728. [*C.O.* 323, 8. *Nos.* 97, 97 i–ii.]

Aug. 20. **366.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to* 6th Aug. *Concludes:*—No proof has been laid before me of the facts contained in the said papers, and therefore the *following* opinion proceeds only upon a supposition that they are represented in a true light *etc.* I conceive that the prosecution against Mr. Donavan being for the duty charged by the Act of Assembly of 1724 upon rum, and not for any penalty thereby inflicted, none of the clauses inserted in either of the said Acts for excluding the power of the Crown to grant *nolle prosequi's* in the cases of penalties do extend to this case, and altho' the said duty is appropriated towards the support of the Government of the said Island, yet I apprehend H.M. may properly judge, upon circumstances laid before him, how far it is reasonable to permit his officer to carry on a prosecution in H.M. name for the recovery of the said duty in a particular instance; wherefore I am of opinion that, as the circumstances of this case are represented, H.M. may lawfully order his Attorney General to stay proceedings and enter a *nolle prosequi etc. Signed,* P. Yorke. *Endorsed,* Recd. 24th, Read 28th Aug., 1728. 2¾ *pp.* *Enclosed,*

366. i. List of papers referred and returned (6th Aug.). 1 *p.* [*C.O.* 137, 17. *ff.* 72–73, 74, 75*v.*]

Aug. 20.
Barbados. **367.** Governor Worsley to the Duke of Newcastle. The Assembly, upon the message the Council sent them (*v.* 14th Aug.), came to the following resolutions. (i) That the delays given to the passing of the Excise bill, are unpresidented, and the matters or amendments insisted upon, are no wise reasonable, but tend to the manifest injury and prejudice of the people in general, and to the infringement of the rights of this House, which in the end, must not only prove of ill consequence to H.M. interest, and Government, by the neglect of providing for the payment of the matrosses, and the repairs

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of the forts, *etc.* but to the great impoverishment of the people *etc.*, in disposing of publick money without the inspection of the Representatives in the Genll. Assembly. (ii) That passing of orders for summs of money on account of the publick works and uses in this Excise bill, before such accounts are inspected into, examined, and approved of by the General Assembly, is of fatal consequence to the people of this Island, and their properties, and contrary to the true intent, obvious meaning, and plain construction of H.M. most gracious Instruction, so often before mentioned in the Minutes of this House. (iii) That this House in order to enforce their former reasons, still are ready to give the Members of H.M. Council another Conference, free and independent, which, if not comply'd with, this House, for many and weighty reasons, do continue of the same opinion as when the said bill passed this House, and therefore as before, do dissent to such pretended amendments." These, with the Minutes of the Assembly of the 13th instant relating to the Excise bill, were ordered to be sent to the Council. *Refers to* Minutes of Council for these and the Council's reasons for their amendments, " which were drawn up by a Committee of the Council, with the assistance of H.M. Attorney General; and the Assembly notwithstanding their 3rd resolution aforementioned, design to consider them the 29th instant. By this your Grace will observe what unaccountable notions are crept universally into the minds of the generality, almost of all the people of this Island; I had thought of dissolving the Assembly immediately upon their passing such an Excise bill, after I had laid H.M. Instructions before them, but I was apprehensive, that, would only raise a greater flame in the countrey, especially as I have not received H.M. commands upon the conduct of the last year's Assembly; however, to undeceive the people concerning their opinion of the rights and powers of the General Assembly; I have ordered King William's repeal of that Act, which was the 18th May, 1699, to be published in all the Churches the 25th instant, and the reasons of the Council for their amendments to the Excise bill, are published in the four towns in this Island, which I hope will quiet, a little, the minds of the people, so as to prepare them for a dissolution, or at least a prorogation. P.S. The duplicate of my last letter with the papers annext, I have not been able to get copyed to go by this conveyance." *Signed*, Henry Worsley. *Endorsed*, Rd. Oct. 25th. 5 *pp.* [*C.O.* 28, 44. *No.* 123.]

Aug. 20. Barbados. **368.** *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. *Signed*, Henry Worsley. *Endorsed*, Recd. 25th, Read 29th Oct., 1728. 5 *pp.* *Enclosed*,

368. i. Minutes of Council of Barbados, 17th Aug., 1728. *Endorsed*, Recd. 25th Oct., 1728. *Copy.* 20 *pp.* [*C.O.* 28, 20. *ff.* 33–35, 36*v.*–37, 39–48*v.*]

1728.
Aug. 23.
Jamaica.

369. Governor Hunter to Mr. Stanyan. *Refers* to following. *Continues* :—[*The Assembly*] stand prorogu'd to August at their own request, haveing enter'd into a tacit resolution to do no buss'nesse till they knew the fate of their sugar bill which by ye advice of ye Council I could not assent to. I'm afraid that Mr. Ayscough who it seems proposes to himself an interest in keeping on foot the old differences between the Council and Assembly will give me some trouble, there is nothing they dread here more than the countrey's falling again under his administration. I have done my best to save him from scrutiny in matters that I judg'd not material, but ye Assembly or ye majority there persist in their resolution to call him to acct. in matters within their cognizance such as the disposition of the publick money *etc.* The remote residence of Swymmer, Campbell and Stout putts me to a strait frequently for want of a quorum in Council *etc.* *Repeats* recommendation of A. Forbes, E. Charlton, and W. Needham to fill vacancies, and enquiry for commands relating to Mr. Coleman's Deputy's proposal, and for reprieve for Miller. *Adds* : I have labour'd hard for a reconciliation between ye Council and Assembly, but have not as yet succeeded. I hope I may in time. Some small change in ye Council might do it effectually *etc.* *Signed*, Ro. Hunter. *Endorsed*, Rd. Nov. 24th. *Holograph.* 3 *pp.* [*C.O.* 137, 53. *ff.* 80–81*v.*]

Aug. 24.
Jamaica.

370. Governor Hunter to the Council of Trade and Plantations. *Encloses* duplicate of Aug. 5th, and Minutes of Council and Journals of Assembly *etc.* *Continues* :—The Receiver General's accounts are incerted at length in the Minutes of the Council, by which your Lordships will percieve the true state of H.M. Revenue. I cannot promise *etc.* any great success from the Assembly when they meet again, of their passing into laws the several matters I recommended unto them at the opening of the last Session, but as the weather grows cooler so I hope their passions and little resentmts at one another will abate *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 23rd Nov., 1728, Read 25th Feb., 1729. 1¾ *pp.* [*C.O.* 137, 17. *ff.* 131, 131*v.*, 132*v.*]

Aug. 25.
Tunbridge
Wells.

371. Mr. Harris to Mr. Popple. In reply to 20th Aug. *Has not heard* of any complaints against Governor Phenney, but has heard that several of the old inhabitants and some new settlers have left Providence because there is no Civil Government or Assembly, though the want of it has been represented from time to time for seven years. *Continues* :— "I am told his wife hath had differences with other ladys of ye Island but I am apt to think such bagatel storys will weigh litle with their Ldps. towards dispossessing one of ye best English Governours that ever was in America. Hath he squeezed £7000 a year from ye people for nothing, or can any accuse him of raising contributions of £6000 for passing laws he was directed to pass *etc.* On the contrary, hath he not built the very best fort in the British Colonies without any expence to the Government and for which the estimates laid before the Government amounted to £90 and £110,000, so as they were always discouraged from so chargeable an undertaking *etc.* I think he never had any salary from the Governmt. other then what attended his command of an Independent Company, and I doubt there is no better reason for his remove then ye pressing instance of another for his post. In short Governors of much merit being rare I could not say less of one so deserving tho' known to few and without a patron at home *etc.* *Signed,* Rd. Harris. *Endorsed,* Recd. 26th, Read 27th Augt., 1728. 1¾ *pp.* [*C.O.* 23, 2. *ff.* 160, 160*v.*, 161*v.*]

Aug. 26. Virginia. **372.** Lt. Gov. Gooch to the Council of Trade and Plantations. Having received advice that application hath been made to your Lordships for repealing a law made here in the year 1726 for the more effectual preventing the bringing tobacco from North Carolina and the bounds in controversie; I take the first opportunity to lay before your Lordships the reason of passing that law, and then to obviate some objections which I hear have been offered to your Lordsps. against it. As the people of Virginia have from its first settlement applied themselves solely to the making of tobacco, so they have from time to time tied themselves up to such certain rules in the planting, tending curing and packing of it, as they judged most expedient to advance and support its reputation in the European markets; and to prevent all fraudulent practices whereby their staple commodity might be depretiated. This naturally led them to consider and guard against the indirect practices of their neighbours; since all their regulations must have been rendered vain if the next Province was left at liberty to pour in upon them all the trash tobacco they could make, and to export it hence as the manufacture of Virginia. This so much concerned the Virginia interest that to prevent it an act was made in the year 1679 whereby the importation of tobacco from Carolina and other parts without the Capes was prohibited under the penalty of forfeiture thereof. This Act continued in force until the year 1705 when all the Laws of the Colony were revised and brought into one body, and then an Act almost in the same words was prepared against the importing tobacco from North Carolina under the like penalty with the former; which last act, as I am informed, was seen and approved by your Lordships before it passed the Assembly here; but as neither of the Acts were found effectual to prevent the mischief, tobacco being still clandestinely brought in to Virginia from Carolina and ship'd off, and there could be no

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forfeiture without a previous seizure, it was judged necessary by this last Act in 1726 to lay a further penalty on the seller or purchaser of such tobacco which is all the alteration this last law has made in the former prohibitions. And if the reasons upon which these prohibitions are founded, be just and provident, I doubt not the enforcing the same by an additional penalty will, by your Lordships, be judged so too. I hear only of three objections, my Lords, against the continuing of this Act. First, that the discouraging the people of Carolina from making of tobacco will lessen H.M. Revenue. The Second. That it will force the people of Carolina upon manufactures prejudicial to the trade of Great Britain. The third. That it is unjust and unneighbourly towards the people of that Province. As to first, I believe it is demonstrable that H.M. Revenue is no ways increased by the importation of more tobacco then can be consumed in Great Britain, since for all of that which is exported the whole duty is drawn back; and as the tobacco made in Carolina is of that sort which must be exported, being not fit for the home consumption, it is plain that the Customs will no ways be increased thereby, nor suffer any diminution if there was not one pound made in that Province. To the second, it must be answered; that the inhabitants of No. Carolina have been under the same restraint for these fifty years past, and yet no such manufactures have as yet been sett up amongst them; and 'tis to be presumed that while they have other commodities, such as pitch, tar, pork, rice, hides and tallow with which they have hitherto supplied themselves by way of barter with the people of Virginia and the other Plantations, there will be no danger of their undertaking manufactures of their own, where they are provided with very few materials, and can be supplied from their neighbours at a cheaper rate. But my Lords, give me leave to say, that they who made this objection did not consider, how much greater inconveniencies may happen to the manufactures of Great Britain, should the inhabitants of Virginia, by an overstocking of the tobacco markets, and in consequence thereof the lowering of its price, find themselves under a necessity of leaving off planting, and of endeavouring to cloath themselves with their own manufactures, for which they have abundant more materials, both for woolen and linnen than the people of North Carolina can possibly have for many years. As to the last objection of the injustice to our neighbours of Carolina, who having no ports of their own are denied the benefit of the neighbouring ports to ship off the produce of their labour. Your Lordships I hope will allow me to say, according to the general rule, that every one ought to use his own, as thereby to do no injury to his neighbour; which will hold good as well in common policy as morality. So that the inhabitants of Carolina have no reason to complain, if they are restrained from making use of the ports and harbours of Virginia, when it is prejudicial to its own trade, and dos manifest injury to its own inhabitants. If the people of Carolina will make tobacco, and can ship it from their own ports, it will then be known where it was made, and Virginia will receive no discredit by it; but if they will put off their trash as the product of Virginia, it is a cheat upon the buyer and the general trade of this Colony must suffer by it. My Lords thus I have endeavoured to state this case in the clearest light I can, and submit it to your Lordships judgment; for as I had no hand in making the law now in question, I am little concerned in its fate whether it stands or falls; only I should be sorry to find the people of Virginia disobliged by the repeal of this Act, which has for a long time been judged of great importance to the Colony; when at the same time it only indulges a few in the next Province to employ themselves in that which will bring no reputation to the tobacco trade. And indeed if what the merchants in England urge be true that there is more tobacco already sent from hence than can be vended in the European markets; your Lordships are the best judges whether the opening a new source be at this time seasonable. *Signed,* William Gooch. *Endorsed,* Recd. 19th Oct., Read 26th Nov., 1728. *Holograph.* 2¾ *pp.* [*C.O.* 5, 1321. *ff.* 85–86*v.*]

[Aug. 27.] **373.** Martha Vere to the Council of Trade and Plantations. Before Capt. Phenney's arrival, 1721, Providence was in a hopeful state and some substantial traders supplied the inhabitants with a competency of provisions *etc.* But before many months, the Governor's wife by engrossing all the provisions brought to Providence and all the produce of the island and retailing the same at exorbitant prices has caused half the inhabitants to depart, leaving only those who are unable to remove and therefore at her mercy. After buying all the commodities that island produced, for voyages home, she told the inhabitants that the Governor would pay them, but his answer was that he meddled with none of his wife's affairs *etc.* The Governor and his wife inveigled from me an indented servant before his time. He occasioned the overseer of the negroes under my care to go off the island, because he offered to punish the slaves, whereby the slaves took such encouragement that they would do no work afterwards, but walk where they please, and threaten me with the Grandy Man, meaning the Governor, if I should offer to oblige them to it *etc.*, till Mr. Skinner the Company's Factor came over and took that uneasy charge off my hand, sold the negroes and let the plantation go to decay. The Governor to prevent my comeing home used several unlawful methods, such as confineing me and exacted Chancery Court fees from me which he held to oblige me to deliver up to him the estate and child of one

1728.

Capt. Gale, left by will under my guardianship. Several people from Bermudas have attempted to settle upon Providence but soon returned, by reason of arbitrary usage of the Governour and his wife. She has frequently brow-beated jurys and insulted Justices on the Bench and so hindered the execution of Justice that if any by Justice have been cleared she has found means of punishing them, by afterwards bringing them to the whipping post, and if condemned to any corporal punishment, she has in opposition had them released *etc.* *Endorsed*, Recd., Read 27th Aug., 1728. 1¾ *pp.* [*C.O.* 23, 2. *ff.* 158, 158*v.*, 159*v.*]

Aug. 27. **374.** Jeronimy Clifford to Lord Townshend. Asks for report upon his petitions, which his Lordship promised him a month ago to lay before the King. Is kept in a starving condition at his lodgings at Charing Cross through the wicked practices of powerfull adversaries *etc.* *Signed*, Jer. Clifford. *Addressed.* 1 *p.* *Enclosed*,

374. i. *Same* to *Same.* Aug. [ ], 1728. Refers to the damage and injustice inflicted upon him by the Dutch Governors and Council of Surinam, amounting to very great sums, and to H.M. Order in Council in his favour July 9, 1705. (*v.* C.S.P. 1704–5. *p.* xxix *etc.*), from which he has not yet been able to obtain any benefit. On 7th Jan. last, indeed, Sir Robert Walpole advised him to let drop his complaint against the Dutch. This he cannot do, because he has been informed by some persons in the Plantation Office and other great men at Court that upon the said Order in Council there had been paid into the Exchequer by the late Queen's private orders great sums for his account, which with 6 p.c. interest may now amount to £100,000, which hath or will be divided amongst some covetous people here *etc.* *Signed, as preceding.* 3¾ *pp.*

374. ii–v. Accounts of Mr. Clifford's claims against the Dutch Proprietors of Surinam, on account of his plantation (Corcabo) there *etc.*, amounting to £241,894 sterl. *Signed, as preceding.* 26 *pp.* [*C.O.* 278, i. *ff.* 1–16.]

Aug. 28.
Whitehall. **375.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following; to be laid before the King. *Autograph Signatures.* 1 *p.* *Enclosed*,

375. i. *Same* to the King. In reply to 22nd July, they have made enquiries of the Agent of Jamaica, the Contractors and Victualling Board *etc.*, whom they quote. *Conclude* :—We can by no means propose to your Majesty, to make the alteration in the Act

in question, desired by Mr. Donovan, it having ever been the custom for your Majty.'s Royal Predecessors either absolutely to accept or reject all such Plantation Laws as have from time to time been laid before them: But having consulted Mr. Attorney Genl., we humbly conceive your Majesty may considering the circumstances of this case be graciously pleased to grant Mr. Donovan a *noli prosequi.* And to remove all disputes that may at any time arise on cases of the like nature, *propose*, that the Governor of Jamaica be instructed to recommend to the Assembly the passing of a law for exempting from payment of duty all stores and provisions whatever at any time hereafter really and bona fide imported into Jamaica for the service of your Majesty's Royal Navy. And we are the rather encouraged to make this proposal because the same is perfectly agreeable to the general intention of your Majesty's Instructions to the Govr's. of all the Plantations, who are expressly restrained from giving their assent to any law whereby the Trade and Navigation of Great Britain may be anyways affected, and in our humble opinion laying a duty upon provisions or stores for your Majesty's Royal Navy, would be affecting our Navigation in a very essential part, and would in consequence be a tax laid upon Great Britain. [*C.O.* 138, 17. *pp.* 251–254; *and* (*without enclosure*) 137, 46. *No.* 55.]

Sept. 3. **376.** Petition of Joanna Clarke, widow, to the Council of Trade and Plantations. Prays for payment of arrears (£108 15*s.* 9¾*d.*) due to her late husband, Samuel Clarke, who served as Chamber Keeper ever since the establishment of the Office, for sums laid out by him for the use of the Office. *Endorsed*, Recd., Read 3rd Sept., 1728. 1 *p.* [*C.O.* 388, 79. *No.* 29.]

[Sept. 3.] **377.** [? *Mr. Curphey's*] List of men capable of bearing arms in the Bahama Islands besides the garrison; Providence 66; Harbour Island, 17; Islathera, 32. List of 20 inhabitants that went off. *Names given. Endorsed*, Recd. (from Mr. Curphey), Read 3rd Sept., 1728. 2¼ *pp.* [*C.O.* 23, 2. *ff.* 162–163*v.*]

Sept. 5. **378.** Thomas Missing of Portsmouth to the Council of Trade and Plantations. Memorialist believes it would be a great security and advantage to encourage the Protestant Palatines to go to Carolina, and "as he hath a correspondence that way, and hath with reputation carried over a great many to America," he will on the Government's encouragement, engage to deliver yearly such a number as H.M. shall appoint and victual them till they can support themselves *etc. Endorsed*, Recd., Read 10th Sept., 1728. $\frac{3}{4}$ *p.* [*C.O.* 5, 360. *ff.* 74, 75*v.*]

Sept. 6. South Carolina. **379.** Nicholas Trott to [? *the Duke of Newcastle.*] *Hopes* for encouragement to return and live at Oxford in order to print his explication of the Hebrew text of the Old Testament. If nothing else can be done for him, *asks* to be restored to his office of Chief Justice, by a Commission from H.M. "to which place I think I have as good a right as any man in the Province hath to his land." *Continues* :—For I had a Commission from the Lords Proprietors for that office not dureing pleasure but dureing my good behaviour *etc. Argues that* their surrender of their Charter cannot void any grant made by them, for if so, all the people's grants for their lands are null and void *etc.* He once presented to his Lordship at the House of Lords one of the printed specimens of his explication of the Hebrew text *etc. Signed*, Nicholas Trott. 3 *pp.* [*C.O.* 5, 387. *No.* 83.]

Sept. 9. **380.** Thomas Lowndes to [? *Mr. Popple*]. I having under the direction of the Earl of Westmoreland, been instrumental in bringing about the Crown's purchase of the Carolina's, hope the liberty, I take, will not be looked upon impertinent. I have accounts from good hands that the Agents for the Penn family have quarrell'd with the Palatins, and have refused to let those persecuted people, to have any more land, in Pensilvania. You without doubt must know, that great numbers of Palatins, have for many years gone to Pensilvania, so that they have raised the price of land from £65 the 1000 acres to £700. The accident I mentioned puts a stop to any more of that Nation going to that Colony. The next year a great number of the better sort of inhabitants must be forced to quit the Palatinat upon account of their religion. If proper encouragemt. was now given for a few familys to go and settle in South Carolina, so that they might acquaint their countrymen with the goodness of that Province, South Carolina might be quickly peopled with honest planters ; and that vast tract of uncultivated land to the southward be let out at a better quitt rent than has hitherto been paid either in Virginia or Carolina. For the rivers to the southward are very navigable, and the land perfectly sound and good, and not fenny as about Charles Town and to the northward. And the timber is the largest in all North America. I am well informed that in the last eleven years there has gone to Pensilvania more than 17,000 Palatins and the poorest master of a family has by a fair computation taken with him besides paying the passage £50 sterling, and many of them more than £600, and they always go well provided with arms. *Signed*, Tho. Lowndes. *Endorsed*, Recd., Read 10th Sept., 1728. 2$\frac{3}{4}$ *pp.* [*C.O.* 5, 360. *ff.* 72–73*v.*]

1728.
Sept. 10.
Whitehall.

381. Mr. Popple to Thomas Missing. In reply to 5th Sept., the Lords Commissioners for Trade *etc.* think the settlement of a number of Palatine families in S. Carolina will not only speedily render that Province of great advantage to this Kingdom, but will also make it of great consequence to H.M. other Plantations in America, by strengthening in so effectual a manner their Southern frontier. But as you observe to their Lordsps., if proper encouragement should be given to these parties, *that you can form a method of sending over such a number of them yearly, as H.M. shall appoint etc.*, I am to desire you will let their Lordsps. have your opinion, as soon as possible, what encouragement you think will be sufficient, to induce a sufficient number of families to settle there, *and what your proposed method is.* [*C.O.* 5, 400. *pp.* 239, 240.]

Sept. 10.
Whitehall.

382. *Same* to Mr. Lowndes. Reply to 9th Sept. Duplicate of preceding, omitting words in italics. [*C.O.* 5, 400. *pp.* 239, 240.]

Sept. 10.

383. Mr. Mulcaster, Agent to the Independent Company at the Bahama Islands, to the Council of Trade and Plantations. *Knows nothing* of the complaints against Governor Phenney sent to him by the Board. *Asks for* time to send copies to him and for his reply. *Thinks that* Mrs. Phenney's trading was done if at all without any intention to exclude others, but purely from a necessity to preserve the lives of the garrison and inhabitants, who, by Mr. Curphey's account, are of so lazy a disposition, that they never will work, nor even look for sustenance till hunger compell them, nor buy more commodities at a time than is necessary for present support *etc.* *Signed*, John Mulcaster. *Endorsed*, Recd., Read 10th Sept., 1728. 2 *pp.* *Enclosed*,

383. i. Mr. Arnold, Clerk at the War Office, to [*Mr. Hughes*] Judge Advocate General. Whitehall, 27th August, 1723. Upon Capt. Phenney's representation, the Lords Justices were pleased to pardon John Wadsworth *etc.* *Signed*, Rd. Arnold. *Copy.* 1 *p.* [*C.O.* 23, 2. *ff.* 164–165, 167*v.*]

Sept. 10.

384. Cuthbert Jackson of London Merchant, Attorney to Governor Phenney, to the Council of Trade and Plantations. Mrs. Vere's complaint (Aug. 27) is false and malicious. From all accounts, Providence was in a miserable condition both before and in 1721, till the Bahama Society dispatched the *Providence* pink, Capt. Woodward, with goods and necessarys. She arrived Aug., 1721, and Sept. following the *Bahama* galley arrived there with 295 slaves from Guinea. The *Althea*, Capt. Roberts, arrived with Governor Phenney, Nov., 1721, having a very rich cargoe and severall hundred barrell of flower for

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sale. The *Samuel*, Capt. Hampton, was dispatched with goods and necessarys, but was lost in her passage, and the *Providence* pink sent again with provisions. All these cargoes were sent by the Bahama Society and consigned to their factors there, viz., Thomas Walker and Mr. Goheir, and after Mr. Goheir came away, to Mr. Walker and Skinner, but Skinner being taken by the Spaniards in a trading voyage, Mr. Innes was sent over in his place, and Walker dying, Skinner was again sent thither. The sd. factors kept a storehouse and sold their goods for the account of the Society, and the Governor was supplyed from thence in the same manner as the rest of the inhabitants. The value of these cargoes amounted to much above £15,000 sterling, not £800 whereof was ever sold to the inhabitants, exclusive of the Governor, because of their idleness and poverty, tho' sd. goods were purposely sent to accommodate them, so that the Society was forced to dispose of their goods by sending them off the Island and break up their storehouse about two years since. This is a plain confutation of Mrs. Vere's assertion that Governor's Lady immediately engrossed the trade, since both he and the inhabitants were supplied out of the same store for some years. After the Society had declined sending provisions, the Governor supplied himself and garrison, at his own charge and risque, from Ireland and elsewhere, the *Hanover* brigantine loaded at Cork once and the ship *Joseph* another time, his flower he usually had from the Continent, and has always acted with that prudence as to have constantly several months store beforehand *etc.* Mrs. Vere's assertion that the Governor's Lady made it her practice to buy all the commoditys the place produced to make voyages home *etc.*, must certainly be false, because most of the bark (which is the most valluable commodity the place produces) has come to Mr. Samuel Wragg and others by way of Carolina, wherein neither the Governor or his Lady had any concern *etc.*, and the platt is a new thing there which has been wholly oweing to Mrs. Phenney's industry in shewing the inhabitants the way and putting them upon it, and a most inconsiderable quantity has yet come from thence. Mrs. Vere was housekeeper or servant to Goheir, who came from thence in 1721 being indebted to the Society for 10 slaves *etc.*, which Mr. Skinner sold for the account of the Society. This she calls taking the uneasie charge off her hands. 'Tis well known to the whole Island that Mrs. Vere was for some time under great uneasiness and horror of mind, the occasion of which as she declared, Mr. Curfen both has told and can tell ; so 'tis no great wonder the negroes would not obey her when she was not able to govern herself. As a sloop is expected every day from Providence with several of the inhabitants on board, *prays* the Board to suspend the matter, " till we shall be able to produce unanswerable evidence *etc.*, to clear a very worthy

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gentleman, to whom I am possitive his reputation is more dear than his very life." *Signed*, C. Jackson. *Endorsed*, Recd., Read 10th Sept., 1728. 5½ *pp*. [*C.O.* 23, 2. *ff*. 168–170*v*., 171*v*.]

Sept. 10. **385.** Copy of Privy Seal for payment of salaries of the Board of Trade. *Countersigned*, John Wooddeson, Depty. 5 *pp*. [*C.O.* 388, 79. *No*. 34.]

[Sept. 13.] **386.** Governor Burnet to the Duke of Newcastle. I arrived here on the 19th of July and published my Commissions, and met the Assembly on the 24th of that month, and have been sitting with them ever since in order to obtain a fixed salary from them according to my Instructions, but all the success I have yet had is to bring the Council into those measures, as for the Assembly, they continue very obstinate against it. I hope by the next vessel to give your Grace a more satisfactory account of their proceedings, and am with the greatest respect, My Lord, Your Grace's most dutifull and most obedient humble servant. *Signed*, W. Burnet. *Endorsed*, Rd. 7th Nov., 1728. *Dated* by letter of 26th Oct. *Holograph*. 2 *pp*. *Enclosed*,

386. i. Petition of Sundry Members of the Church of England, living in the towns of Rehoboth and Barrington in the County of Bristol, to Governor Burnet. Sept. 2, 1728. Appeal for protection, three of them having been distrained upon for the support of the Dissenting Ministers of those towns, and the rest being equally liable. *Signed*, Jno. Bowen, Jabez Brown, John Bullock, Nathl. Browne, Saml. Carpenter, Jno. Hill, Daniel Browne, Luke Thornton, Mathew Allen, Joseph Browne, Charles Carpenter, Benja. Brown, Olliver Brown, Isaac Brown, Hezekiah Brown, Thomas Lindley, John Butterworth, Peter Robinson, Ebenezer Robinson. Read in Council, 5th Sept. *Copy*. Certified by J. Willard, Secry. 2½ *pp*. [*C.O.* 5, 898. *Nos*. 45, 45 i; and, *endorsement only*, Rd. Dec. 10, *of duplicate of covering letter*, 5, 752. *No*. 36.]

Sept. 13. Boston. **387.** *Same* to the Council of Trade and Plantations. *To same effect as preceding covering letter. Encloses* copies of votes with passages marked relating to the salary. *Concludes:* In justice to the Council I must say that they are well inclined. I intend to continue sitting with the Assembly till they comply, that the country who pay about a thousand pounds a month to the Council and Representatives by way of wages during their attendance, may feel the inconvenience of their standing out *etc*. *Signed*, W. Burnet. *Endorsed*, Recd. 6th Oct., Read 7th Nov., 1728. *Holograph*. 3 *pp*. [*C.O.* 5, 870. *ff*. 121–122*v*.]

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388. *Same* to Mr. Popple. To same effect as preceding. *Signed and endorsed as preceding. Holograph.* 1 *p.* [*C.O.* 5, 870. *ff.* 123, 124*v.*]

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389. Governor Worsley to the Duke of Newcastle. The 7th instant I had the honor of receiving your Grace's letter of the 24th of May last, with a copy of a petition of the Majority of last year's Assembly to H.M. dated 4th Jan., 1727. I can never sufficiently acknowledge H.M. great goodness, in being willing to hope that this complaint has no just foundation, and if it had I should alwayes be unworthy of the least of the honours and favours H.M. has been pleased to confer upon me. I shall now consider the facts in the petition abstractedly from the embellishments that spleen, invention and words could make it: It first setts forth that "to obtain the redress of several grievances, the Assembly, on my arrival here, were wrought upon to submit to a settlement of £6000 sterling per annum on me, during my residence here in the quality of His *late* Majesty's Governor." When I arrived, and they proposed to make a settlement on me, I told them, I should be contented with what salary, they could conveniently allow; But I am surprised to find they should alledge it, to be only during my residence here in quality of His *late* Majesty's Governor when the very Act itself, which H.M. confirmed *etc.*, has these words, Provided always that this Act shall be in force *etc.* for so long time as H.E. Henry Worsley shall continue to be H.M. Governor *etc.* and shall in that quality personally reside *etc.* Certainly by construction of law, the King never dies, nor could it be the intent of the law, for in another paragraph the tax is granted to His Majesty, His heirs and Successors. The next is, "That the Militia has been totally neglected, the forts, breastworks and batterys are gon to ruin, the publick stores are embezled and wasted, and all persons in offices under H.E. busied in nothing, but how to raise fortunes from the ruins of the people, by inventing new fees, and perquisites, and increasing the former fees and emoluments of their several offices." As for the Militia it was setled by a law of 1697 (*v.* 20th May last), by which the Colonels have got the sole command of them; Indeed the Governor grants the Commissions, but how is that? after he has given the Colonel his, the Colo. insists upon having blank Commissions for the other officers. I have always put in the Field Officers, but that has been a heart burning. I own I have not made a general review of them, this would put the Island to a considerable charge, and has been a ground of complaint against former Governors; I proposed it in Council the 12th instant, when the Councellrs. told me it would be very prejudicial to the inhabitants, who are now planting, and therefore must defer it till next spring; and then if there be ever so many defaulters, or any that want arms, or accoutrements, as prescribed by the law, I cannot fine them, but is only in the power of the Colonels to do it, or remit it; By the Act of Militia whoever does not send his complement, every foot defaulter pays 5 shillings, and every horse defaulter 10*s*., and if they are exercised only every two months, that will be in a year £3. for a horse and 30*s*. for a foot soldier; and what gentleman of a considerable estate would not rather pay the fine than be oblidged to keep the man; and most of them, either do not pay at all, or compound with the Marshalls who collect the fines, and I believe I could make it appear that most of the gentlemen that made this complaint do not send their complement, and some I am told send none at all; 'tis likewise said I have suffered several of the Regiments to be without officers ever since my arrival here, tho' I did then issue proclamation, that all officers should continue in their posts, but they are of such a temper, that if the Colo. should die, the other officers neglect the Regiments, as if they held their Commissions from the Colonels, and not from the Governor: and as I have heard about three months since that H.M. had been pleased to appoint me (by a new Commission) his Governor here; I have all the blank Commissions ready, and only waite the arrival of it, in order to fill them up, and deliver them out: and I can assure your Grace, they shall not have any occasion for the future, to complain of their not being reviewed; and I design every exercising day to see one or other of the Regiments exercise as I have lately done, and were it in my power to fine the defaulters, and them that are anyways difficient in arms, or other accoutrements, they should have no reason to complain. As to the forts *etc.* being gon to ruin *refers to letter* of May 20th. *shewing that* "I had always represented to the Assemblys their ruinous condition, and if they will not provide for the repairing them, I hope it will not be imputed to me as a fault. As to the embezlement and waste of the publick stores," *refers to letter of* 20*th May. Continues:*—I am the more surprised, that if this country did lay under such dismal apprehensions, in case of a war, for want of a sufficient qty. of powder or other stores, that they did not make up the late Storekeeper's accounts, tho' I order'd in Council the 20th Feb. last the Committee of publick accounts to make them up; and I did again recommend it in Council to Mr. Lightfoot chairman of the said Committee *etc. Refers to Minutes of Council. Continues:*—I can't therefore think they are realy under such apprehensions, in case of a war, of want of powder and other stores, and the country I believe is now fully sattisfy'd that there has been no embezlement of them, the several gunners and mattrosses, having voluntarily given their oaths that no embezlement has been made, and that the powder removed out of the old magazine, to the several forts, is truly and bona fide the same

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powder that was so removed, without any alteration whatsoever. The next head of complaint is, "that all persons in offices under me, are trusted in nothing but how to raise fortunes from the ruins of the people, by inventing new fees and perquisites, and increasing the former fees and emoluments of their several offices." I can't imagine what they can mean by this; a complaint was made to me against the late Deputy Provost Marshal, for exacting fees; this I refer'd to the Judges and to the Attorney General *etc.* They made me the report not in favour of the said Depty., who thereupon resigned *etc.* (*v. supra*). If that Deputy has injured anybody he may have his remedy at law and may prosecute him; I have done all that I am impowered to do by my 54th Instruction: and as I am impowered together with the Council, by H.M. 38th Instruction to regulate all fees, I have order'd lists of them to be laid before me in Council *etc.*, and on 20th Feb. appointed a Committee of the Council to examine them and report *etc.*, but they have not yet done it, alledging they have not been able to make a Committee of five to meet. If this was so great a grievance to the country, surely five Members of the Council would find time to meet in order to have the fees regulated. They further say that the trust and custody of the Magazine has been in the hands of William Webster Esqr. Deputy Publick Secretary, and my Secretary, and principal Agent, on whom I had bestowed the following places; Major of the Guards, Master in Chancery, Capn. and chief gunner of the principal fortifications, Surveyor General and Captain and Commander of the Magazine Guards. I now beg leave to represent to your Grace how the Storekeepers have always conducted themselves in their office; they have always appointed a Deputy in St. Michael's *etc.* Colonel Peers the present Speaker when he was Storekeeper, one Mr. Thomas Hacket acted for him: the succeeding Storekeeper Colonel Downes, employed Mr. John Cornor; Colonel Leslie who succeeded Colonel Downes, employed Mr. Edward Nichols: Colonel Forbes, the present Deputy Register in Chancery, who succeeded Col. Leslie, employed Mr. Christo. Fowler, and Col. Leslie, who was chosen again soon after my arrival here, employed Mr. Edward Freeman, Colonel Durousseau the present Storekeeper, who was chosen by the last Assembly, and still continues; employs his son in law Mr. William Whitesides and one Thomas Keeling. The Storekeeper that receives the stores from his predecessor is obliged to give security in a bond of £2000 sterling, for the faithfull execution of his office; as for Mr. Webster, he tells me he never had the care or custody of the magazine; Mr. Freeman tells me he has always had the care and custody of the magazine and stores, under Col. Leslie, and assures me Mr. Webster never had; for that he the said Freeman did always receive the powder and clear'd the ships in his own

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name for Col. Leslie, of which he will give his oath. If the Committee of Accounts would but make up the accounts, they would soon see whether, or not, the powder has been embezled, or wasted: Mr. Webster was recommended to me by the Court of Portugal, where he had lived many years; upon his arrival here, I made him Captain of Needham's Fort, and the rest of the forts and batterys of St. Michael's Division, in which division there are four under gunners and 20 mattrosses, the salary is £100 currant mony of this Island pr. annum, which is paid in course, and is sometimes 5 or 6 years after the order is granted before it is paid, and the perquisites may amount to about £70 curt. mony more pr. annum. I own I made him afterwards Surveyor General, for running out and setling the bounds of lands, which place is worth to him about 50 or £60 a year, and I think about 2 years ago he was Captain of the men on guard at the magazine for about a month, upon the death of the former Captain until I had pitcht upon another; and I did likwise make him one of the Masters in Chancery which post is worth about 30 or £40 pr. annum. As to his being Major of the Horse Guards it is a post of expence and no proffit; and his being Deputy Secretary and my Secretary, that was by deputation from Mr. Whitworth the Pattentee, who put in Mr. Webster's name in case of the death or absence of Mr. Hammond, who is gon off to North America for his health, and upon his return has the office again. However 'till then, that the General Assembly may have no reason to complain, I design to put in another Captn. gunner in St. Michael's division, in that they say, in their Minutes of the 29th past, that the offices of Secretary and Captain gunner are incompatible, because the Captn. gunner is to deliver in upon oath to the Secretary of this Island, a true and just account, of what shall be due to himself, under gunners, and mattrosses; tho' having laid it before the Council, as it depended on the construction of a law, it was refer'd to H.M. Attorney General, who has reported that it is not incompatible, and that he might swear to his, and the under gunners and mattrosses accounts before me in Council, which he accordingly did. The said petition further sets forth, that about their "procuring a redress for some of their most crying grievances with all the calmness and moderation imaginable, and with due defference and reguard to me, I sought all occasions to exasperate, maltreat, insult and abuse the Assembly, who, however resolved to overlook all indignitys for the good of their country, and I finding that I could not provoke the Assembly to return the ill treatment they met with from me, did on the 5 of October last command them to adjourn for 4 weeks *etc.*" I refer for answer to this, to their address to me, and to their Minutes of the Assembly, the last year: surely the supporting H.M. prerogatives according to my

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duty; the not passing a bill to exclude all officers civil and military from being Assembly men; the not suffering them to choose a *pro tempore* Speaker without my approbation; the taking notice of their adjourning themselves from time to time and from place to place without my consent; and to adjourn and prorogue them when I see them attempt to bring in a bill to lessen the number of H.M. mattrosses and their salarys, with which they cannot support themselves at present as they are paid, cannot be thought insulting and abusing the Assembly, and tho' they may think they are doing good for their country, it can't be imputed as a crime in me. Your Grace may have observed by what principles they are actuated, from the Address of the present Assembly to me, on my Speech to them and their subsequent Minutes *etc.* *Repeats* part of following letter. *Signed,* Henry Worsley. *Endorsed,* Rd. 13th Nov. 25 *pp.* *Enclosed,*

389. i. Petition of William Webster, Captain Gunner, the under-gunners and matrosses of St. Michael's division to the Governor in Council. Request payment of £349 3*s.* 11*d.* for their salaries, 9th Sept., 1727—9th March, 1728. 1 *p.*

389. ii. Account of above salaries *etc.* *Signed,* Wm. Webster. *Copy.* 2 *pp.* [*C.O.* 28, 44. *Nos.* 124, 124 i, ii.]

Sept. 13.
Barbados.

390. Governor Worsley to the Council of Trade and Plantations. *Repeats parts* of preceding covering letter. *Adds:*—The 7th instant I had the honour of receiveing your Lordships' letter of 12th April last, by which I find that I may shortly expect H.M. commands in relation to the Assemblys assuming to themselves a power of adjourning as they think fitt, which they have constantly done this sessions, (except the first time they met) as also of choosing a *pro tempore* Speaker without my approbation, as I have had the honour to advise your Lordships. The publication I order'd to be made in all the churches of the repeal of the Act *declaring and ascertaining the rights and powers of the General Assembly* has undeceived many of the inhabitants thereof who before thought the Assembly of Barbados had the same powers as the House of Commons in Great Britain, and that they had "a coercive power to call before them such persons as shall be able to give evidence in matters relateing to grievances upon H.M. good subjects of this island, or to send for persons papers and records in order to the better discovery and redressing such grievances, and for the better enquiry into the breach of H.M. good and wholesome laws of this Island, without which they could by no means attain to such good ends for which it shall please H.M. to call them, which would very much tend to H.M. dishonour and disservice and very much to the detriment of H.M. subjects of this Island" *etc.* This is the preamble of the

Act, which upon its arrival in England was immediately repealed by King William tho' the Habeas Corpus Act which they had passed the year before was not repealed till 1702, upon this consideration I did refuse to comply with the Address of the last year's Assembly for the copy of the report of the Judges upon the complaint against the Deputy Provost Marshall, in that they had no power to redress grievances, which your Lordships will observe they do still assume to themselves in their Address they make to me this year, and as they have no power to send for persons, papers and records, I did refuse to lay before them the lists of the fees, especially as H.M. by his 38th Instruction has provided a redress. *Quotes* instruction to Governor with advice of Council to regulate fees and that tables of fees be hung up in publick places where they are to be paid. *Continues :*—And in order thereto on the 28th of November last I ordered all the officers to lay a list of their fees before me in Council, and on 20th Feb. last I appointed a Committee of the whole Council, or any five of them to examine them, and to make their report to me in Council, but they have not yet done it, alledging they have not been able to get a Committee of five of the Council to meet, if this was so great a grievance to the country, surely five Members of the Council would find time to meet in order to have the fees regulated. *Quotes postcript from* Board's letter relating to French and St. Vincents. *v.* 12th April. *Continues :*—In the island of St. Vincent's, there are blacks, Indians and some French, the blacks being superior to the Indians, possess the inland part of the island, and the Indians are retired to the sea-coast, where the French settle, and intermarry with them, and as I have been informed they do raise corn, but no French vessells have brought any here, whether any English sloops have, or not I am not certaine, but if they have I don't know of any law, that can hinder them. As to the French man of war pretending to seize any English sloops there, for cutting of timber, I never heard he did, but about a year and a half since a French man of war was sent from France fitted out by the merchants at Nantz, as I have heard to prevent the counterband trade, that was carryed on at Martinique by English ships, who went directly to Sta. Lucia with beef, and other provisions, or toucht here, and sold their provisions and carryed away our money with which they went to Sta. Lucia, to purchase French sugars, which were clandestinely carryed to them from Martinique, and then proceeded with them to Holland, or other forreigne ports, where they could enter, this allarm'd the French merchants, and was the occasion of their petitioning for the said man of war, who when she arrived, went to Sta. Lucia, and seized several English ships and other vessells, who had on board sugars, or other French commoditys brought to them

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clandistinely from Martinique without paying the King of France his duty. I have the honour to inclose to your Lordships the Minutes of the Assembly of the 29th past; which is in answer to the Councillors' reasons for their amendments to the Excise Bill. The Assembly say 'tis notorious that many excise bills have been passed even during my Government, whereby in certain cases an address of the General Assembly was made necessary, previous to the passing orders for money rais'd by those bills, as perticularly in the cases of defraying the charges of the entertainments of the Courts of Grand Sessions, and of the repairs of Pilgrim *etc.* *Continues:*—As to the first case, it dos not appear in any other, but the two last excise acts, by a law of this island the expence of the Grand Sessions is to be paid out of the casual revenue, but by my 46 Instruction, H.M. commands it shall be paid out of the publick Treasury of the Island, and with some difficulty I got it inserted in the Excise bill in the year 1726, and the expression (upon the address from the General Assembly) did indeed escape my notice, but this is so far from proving a right, that on the contrary it shews how necessary it is (even in the most minute things) not to suffer innovations. Some from a bare indulgence in small things are apt to put in a claim of right to much greater, as to the second case, the repairs of Pilgrim House, by my 27 Instruction H.M. commands that the General Assembly are permitted to assign, or provide such a house or rent of a house, and consequently I thought it just and reasonable that they should have the enquiry into the repairs or buildings, and even laid before them the workmen's receipts of the money expended for the said repairs. But the question now I take to be whether the Assembly have a right of inspecting, regulateing, or approveing of accounts, before an order be issued for them, which is contrary to H.M. 34 Instruction, which I laid before them before they passed the bill the second time. The Assemblys have always addressed the Governour in Council for moneys upon several occasions, and it has been formerly granted, but in the ordenary use of any former excise act an address was never made necessary, and that without it no order should pass, or if it did, the Treasurer should not pay it, or if he paid it, the Committee of Publick Accounts should not allow it, 'tis certain there never was such an use in any preceeding excise bill, since the settlement of the island. But this proceeding of theirs will appear more extraordinary, when your Lordships shall consider, what these uses are for, nothing less than for H.M. stores, and fortifications, what will naturally follow this, will be the payment of the gunners, and the matrosses in the same manner, and then all the power H.M. Governour will have, will be to name the matrosses, who will certainly serve them, that can pay them; and as for the Militia by a law in this island passed by President Bond, the Collos. have got the sole command of them. Indeed the Governours grant the commissions, but how is that ? after he has given the Collo. his, the Collo. insists upon blank commissions for the other officers. I have always put in the field officers, but that has ever been a heart burning. The Assembly do not pretend to make out the warrants, or orders for money, that servile part they leave to the Governour and Council ; nor do they command the Governour and Council to issue orders in pursuance of their addresses ; but they tell them not to issue the money for such uses, till they have first addressed for it, so that notwithstanding that the Governour, and Council have found it necessary for H.M. service, and the publick good, to employ persons at the publick expence in pursuance of the general interest, as well as the title of the law, and that those persons should faithfully do their duty accordingly, they shall never have an order for their money unless they have interest enough with some leading men of the Assembly to procure it for them, these persons were formerly paid on the head of emergencies, which orders were always paid preferable. They particularly mention my granting an order to Mr. Hammond Deputy Secretary and Deputy Clerk of the Council, I did grant it, with the advice and consent of the Council, for his attending at the Council Board, and for transcribing fair minutes and duplicates thereof to be sent home, and entring and transcribing the laws, and publishing them in the churches, and for administring an oath to all masters of ships, appointed by a law passed in 1706, and for doing many other things for the publick, as appears by an account sworn to, and which I have againe ordered to be examined, and is refer'd to a Committee of Council for that purpose, and certainly every man ought to be paid for the work he hath lawfully done. But though I with the advice and consent of the Council did grant it, it is not paid, nor can, but by an use in the excise bill, when the Assembly shall think fitt to make one ; on the other hand the Clerk and Marshall of the Assembly have their annual salarys, and even made preferable to the payment of H.M. gunners, and matrosses, the Clerk has £200 per annum, besides an allowance of about £60 per annum for extraordenarys pens ink and paper. The granting the Secretary orders for such extraordenary services for the publick, as before mentioned, has been often practiced in this island, by the Minutes of the 23rd April, 1723, an order was granted to Mr. John Lenoir the Deputy Secretary for the sum of £325 18*s*. 9*d*., and on the 21st day of January 172$\frac{3}{4}$, an act was past for the payment of the same as appears by the Minutes of Council of the same day. The Committee of the Assembly alledge further that Collo. Leslie by my intervention farmed the office of storekeeper to Mr. Hammond, and insinuate as if it was for my use. The store-keepers have always appointed deputys to act under them, who live in town, on account of the daily departure of the ships, and the storekeepers give bond, and security in £2000 for the stores they receive; if the Committee of accounts would but make up his accounts, which he has desired them often to do, for he has now been near twelve months out of that office, they would soon see if any of the powder was imbezled or wasted; ever since the 20th of Feb. last, as appears by the Minutes of Council of the same day, I have ordered them to do it, and notwithstanding it is not yet done. But as for myself I know of no contract by my intervention, betwixt Col. Leslie and Mr. Hammond, who has been now gone off of this island for North America since April last was three years, and if there has been any it is not for my use, as they would insinuate. The Committee of the Assembly further add in the said Minutes, "that several orders had been issued, and that too for some thousands of pounds to William Webster Esq., Capt. Gunner of St. Michael's division, who at the same time he was, and is Captain Gunner, was, and is H.E.'s Secretary and Deputy Secretary of this island, though those two offices of Captain Gunner, and Deputy Secretary of this island are incompatible, the Captain Gunner being obliged to prove his accounts on oath, which is impossible in this present case." I am surprized how they can make so great a mistake, for about three years only Mr. Webster has been Deputy Secretary and Captain Gunner, the salary of Captain Gunner is £100 currant money of this island per annum. Every half-year the Captain Gunner, under gunners, and matrosses, petition for separate orders for each man's salary, which with the advice and consent of the Council I grant separately, the annual expence for this division for the payment of the said Captain Gunner, under gunners, and matrosses amounts to about £700 per annum, but Mr. Webster has only the orders for his own salary, and some small charges. I have sent your Lordships inclosed a copy of one of the petitions with the account annexed, by which your Lordships will see whether several orders of some thousands of pounds have been granted to Mr. Webster or not. As for the incompatibility of those two posts, because the Captain Gunner is to deliver in upon oath to the Secretary of this island for the time being a true and just account of what shall be due to himself, under gunners, and matrosses, for these are the words of the law, it was referr'd to H.M. Attorney General, who hath reported, that they are not incompatible, and that if he delivered his account upon oath before me in Council, it answered the true intent of the law, which he accordingly did. The Committee of the Assembly observe as to the orders issued to Collo. Leslie "for supplying the forts *etc.* with necessarys *etc.* that the sums therein charged for such supplys pretended to be furnisht are in many instances many hundred pr. cent. more then such supplys (if actually furnished) could really have been worth, as for instance forty or fifty pounds have been therein charged for flaggs, that might have been bought for fifteen or twenty pounds." Col. Forbes the Storekeeper before my arrival as I am informed did charge £45 for a flagg, and Mr. Wadeson since my arrival charged one at the same price, and one in Collo. Leslie's time was charged at £40. But the Committee of Council, who I ordered to examine the accounts before the orders were passed, fixed the price for the future at £35. Your Lordships will observe by the Minutes of Council what care I took in granting the orders to the Store-keepers for the necessarys, and utensills they supplyed. In the Minutes of Council of 24th May, 1723 your Lordships will see the report of the Councillors to whom the petition of Collo. William Leslie for necessarys, and utensills he had formerly supplyed the forts with, was referred to examine, and afterwards an order was granted to him for £420 1*s*. 10½*d*. In the Minutes of 29th Sept. 1724 is the report of the Councillors to whom the petition of Collo. Forbes was referr'd for £392 12*s*. 2*d*., and of Samuel Wadeson for £303 2*s*. 11*d*. the late storekeepers; and then orders were issued for the payment of the same. In the Minutes of Council of 11th May, 1725, there is a petition of Collo. Leslie for £388 11*s*. 7*d*. which was referr'd to a Committee of Council, who deducted £5 of the account, and therefore an order was afterwards on the 2d July following granted for £383 11*s*. 7*d*. only. These are all the orders that have as yet been paid, though since Collo. Leslie was removed from being store-keeper, he has brought in his accounts for the years 1725, 1726, 1727 for which indeed orders were passed without referring the accounts, but that the Assembly may not have the least reason of complaining I have referr'd them to a Committee. I must observe to your Lordships upon the head of the Storekeepers' accounts, that formerly their disbursments were paid as emergencies, and as such were paid immediately, and therefore the flaggs might have been afforded cheaper, and the question then will be whether £24 or £25 in hand is not better than £35 5, 6, or 7 years hence, in a country where money is at 10 pr. cent., for as the orders are now paid in course the soonest they can expect to be paid in, is 4 or 5 years, and they may be longer. As the Assembly have in these Minutes desired that H.M. would be pleased to determine the point in dispute between them and the Council, the Excise bill is dropped till an answer arrives. In Mr. Crow's Government there was a dispute betwixt the Council and Assembly about the latters appointing Agents in the Excise bill. I have sent your Lordships copys of the proceedings out of the Council books, the Assembly did then agree to the Council's amendments as appears from the very Act. I have inclosed also a copy of the uses in that Excise act *etc.* I am extreamly obliged to your Lordships for

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your kind congratulation upon H.M. great goodness in haveing been graciously pleased to re-appoint me His Governor *etc.* This go's by Capt. Wickham in the Brigantine *Eagle*. *Signed,* Henry Worsley. *Endorsed,* Recd. 7th, Read 20th Nov., 1728. 13 *pp.* *Enclosed,*

390. i. Minutes of Council of Barbados, 8th March—1st April, 1708. *Copy.* 7½ *pp.*

390. ii. Uses in the Excise Act that passed in Mr. Crowe's Government. 25th March, 1708. *Endorsed,* Recd. 7th Nov., 1728. *Copy.* 2 *pp.*

390. iii. Duplicate of encl. i and ii preceding. [*C.O.* 28, 20. *ff.* 49–55, 56*v.*–61*v.*, 62*v.*–63*v.*]

Sept. 13. Jamaica. **391.** Governor Hunter to Mr. Stanyan. Repeats following, written to Mr. Delafaye as Agent for the Island. *Signed,* Ro. Hunter. *Endorsed,* Rd. Dec. 1st. *Holograph.* 4 *pp.* [*C.O.* 137, 53. *ff.* 84–85*v.*]

Sept. 13. Jamaica. **392.** Governor Hunter to Mr. Delafaye. Mr. Ayscough's conduct *etc.* has much disconcerted my measures whether it be that he thinks keeping afloat old grudges between the Council and Assembly or the govt. and them may in some measure throw the blame of pass'd miscariages upon the Assembly, or any other hidden cause I know not, but his activity in promoting that Sugar bill, his getting himself industriously nam'd as one of ye Council, without my knowledge, to joyn with a Committee of ye Assembly for instructing the Agent whilst he well knew that this very step would obstruct the Bill, and is, on my begging it of him as a favour that he would excuse himself from that nomination, not only refusing but owning that it was done to obstruct ye passing of the Bill, and that the Council thought themselves injured in ye Instruction apponting two of ye Council only to be joyn'd with five of ye Assembly for that purpose, makes it evident to me at least that his intention is to perpetuate these animositys which I am studying hard to root up. For at this very time he was under the scrutiny of ye Assembly for some misapplication of publick money and will be so in ye next Session notwithstanding of my endeavours for him in softning that affaire. You'll think it odd that the Council after having themselves pass'd the Sugar Bill, should advise me not to give my assent to 't, I'll give you the history of that; I desir'd to be acquainted when that Bill should be sent up to the Council, (for you must understand that here contrary to ye practice of ye Councils to ye Northward they clame a right to sitt by themselves when in their Legislative capacity which is indeed of ill consequence) having heard the Bill read I told them that being a bill of a very extraordinary nature affecting the trade of Engld. and credit of ye Island I thought it would be expedient that a Clause should be added suspending ye execution 'till H.M. pleasure was known and offer'd another amendment, wch. they receiv'd but took no notice of ye first. After I remov'd, Mr. Gregery mov'd that in regard to the consequences of this Bill and what I say'd he thought it expedient the consideration of it should be putt off 'till Tuesday when there would probably be a fuller Board, but to no purpose for that party, five, read the bill thrice in one day, if I remember right and pass'd it without having committed it. When there was a fuller Council I lay'd the Instructions before them and desir'd their opinion if the bill was not of ye nature of these to which I am forbid to give my assent, and they gave it as their opinion that it was, and one of them desir'd his reasons for such his opinion might be enter'd in ye Minutes which was done. I told you in my last that the Atty. Genll. had inform'd me that Mr. Ayscough had apply'd for a privy seale to constitute him Cheife Justice here, I know not what way his intrest may lye at home, but I'll be bold to affirm that if it were comply'd with confusion must ensue and the Govt. be brought into contempt; it is true the present Cheife Justice Pennant is so weake a man that the Bench is grown contemptible and I am now resolv'd to putt in another, for he was put into yt. trust in Mr. Ayscough's time only to keep out another who was indeed very unfitt. Upon the whole I know no better expedient for bringing matters to bear here for the ease of ye Government and quieting the minds of the subjects here, then leaving Mr. Ayscough out of ye list of Council by a new Instruction or special letter for that purpose, for the dread of many that they may once more fall under the lash of his power gives much uneasinesse he being a man of pride resentment and litle judgement. The next in seniority in Council is Coll. Gommersell a man of probity and experience and well belov'd. I had formerly recommended to his Grace and the Lords of Trade in case of vacancy there Alexr. Forbes Esq., Will Needham and Ed. Charlton, all men of character and fortune the first was recommended to his Grace by the King's Advocate whilst I was yet in London. The Assembly is to meet next moneth, I hope in better temper for on second thoughts many of them are cool'd as to ye Sugar Bill, which was indeed no more than a piece of art for an evil purpose *etc.* P.S. Communicate all or what you think fitt of this to his Grace. I have wrote to the same purpose to Mr. Stanyan. *Signed,* Ro. Hunter. *Endorsed,* R. 1st Dec. *Holograph.* 4 *pp.* [*C.O.* 137, 53. *ff.* 82–83*v.*]

Sept. 14.
Barbados.

393. John Bennet to the Duke of Montagu. *Returns* thanks for letter of May 16th. *Continues:*—The universal character that your Grace has, with men that are for promoting the good of mankind, in such a laudable manner as your genius leads you to, was the most prevalent reason that I give your

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Grace the trouble, and myself the pains on the affair of St. Lucia. I have lately in pursuance of that opinion ventured to write you by Mr. Harper *etc.* I now again affirm and am able to give the strongest reasons in the world, that if we do not secure that island, we shall be outed of all the Charibees and consequently of the whole sugar trade. The French be they never so good allies, are the onely persones that we are to dread in those parts. If anything can be done for the good of these Coloneys I humbly presume to think that your Grace might contribute very much towards it, *etc.* *Signed,* John Bennet. *Endorsed,* Recd. Read 11th Dec., 1728. 1½ *pp.* [*C.O.* 28, 20. *ff.* 74, 74*v.*, 75*v.*]

Sept. 15. Windsor Castle.

394. Lord Townshend to Governor Hunter. As H.M. still receives complaints from the West Indies that the Spaniards continue to interrupt the trade of His subjects, and to make depredations upon them in a piratical manner, He has directed orders to be sent to Comodore St. Lo, or the Commander-in-Chief of H.M. ships in the West Indies, to seize and secure such ships and vessels as shall act piratically, or under illegal comissions or shall make depredations on H.M. subjects since the cessation of arms has been declared. And as the King has likewise had advices, that the Spaniards are strengthening their naval force in America, and finds that tho' open hostilities are ceased, yet their behaviour is such as gives grounds to entertain jealousies of their designs, H.M. thinks in prudence he ought to be upon his guard, and therefore has thought fit to direct you to get the best information you can of their strength by sea, and of the ships that come from Old Spain to reinforce their naval armament in the West Indies, and accordingly to be watchfull of their motions and to put your self in such a posture, that you may neither be insulted nor surprized. *Signed,* Townshend. 1½ *pp.* [*C.O.* 137, 53. *ff.* 86, 87 ; *and* (*duplicate*) 88, 88*v.* ; *and* 137, 18. *f.* 3.]

Sept. 17. Canso.

395. Capt. Caccally to Govr. Philipps. As I have by all oppertunitys hitherto and allways shall doe myself the honour to represent to you the state of affairs here whilst I have the honour to command it, soe must now inform you of the ungenerous dealings of Mr. St. Ovide Govr. of Louisbourg. The 17th of last month four soldiers deserted and took with them a boat and sails. I ordered Ensign Bradstreet to pursue them, he went to St. Esprit on the French shoar where he found the boat wch. they abandoned and betook 'emselves to the woods, he immediately sent by land to acquaint Mr. St. Ovide that there were English deserters in his Government, and even in Louisbourg, and to desire he would order them to be secured till his arrivall, all wch. he took noe notice of, and when Mr. Bradstreet delivered him my letter, he said he knew nothing of the matter, but if Mr. Bradstreet cou'd find out where they were, he wou'd have them secur'd; upon enquiry it was discovered that a preist called father Narciss took two of them who called themselves Papists and conveyed them on board the French man of war at Louisbourg, the other two were at work in Louisbourg the very day Mr. Bradstreet arrived there, but were immediatly sent away *etc.* I find our men are possessed with an opinion that all who desert to the french shoar are to be protected and encouraged, wch. oblidges us to keep a very strict watch over them, tho' at present wee are extream scarce of officers *etc.* I am oblidged to complain to your Excellcy. of the New England fishermen who have at severall times both this summer and last taken away severall of our men; I cou'd wish with all my heart to have the honour of a line from yr. Excellcy. to inform me how to act in this affair. I have sent the muster-rolls by this oppertunity, and have recd. five chests of arms from Annapolis royall. *Refers to his previous reports as to the* " miserable state of our barraks and guard-room, . . it is impossible for our men to hold out, for wee have already lost severall by fluxes and colds, occasioned by their lying wett " *etc.* *Signed,* Francis Caccally. *Endorsed,* Recd. 3rd Dec. from Col. Gardiner. *Holograph.* 3 *pp.* [*C.O.* 217, 38. *No.* 19.]

Sept. 18. Charakees Noyoowee. **396.** Statement by [? *John Savy.*] Whereas I have lived and traded in this nation for the space of seven years and have thoroly learn their tongue being upon some business called home to England the King and head wariors would not lett me depart till I gave them my promise to return and to deliver their presents that they would send by me to the King's most excellent Majesty their Master over the great water and likewise to return them his answer by the mulbery moon next which will be in June according to our stile. I had not had the presumption to undertooke their message till after some time of consideration and the advice of our agent and severall of my friends that it would prove to the advantage of my King and country as I shall here mention in the first place when S. Carolina was involved in an Indian warr they were the first people that joined with us to subdue the Indians that was against us this was transacted in the government of Charles Craven Esq. then governour of South Caroline who sent up to the said Nation 400 men white and blacks under the command of Colonel Morrissmore [*sic*] and at the same time came in a body of Cricks or Southern Indians to them in order to cutt off our army but after a counsell held among themselves as God would have it they concluded to kill the messengers that came from the Indians and accordingly about twelve a clock at night struck the blow and brought upon themselves and families a continual war which I have since been an(d) eye

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witness too for when their wives and chidrens have been killed or taken away slaves they have told me that if it had not been to save the white people they would have been at peace and quitness but withall did not value it hopeing one time or other they would be rewarded for their trust to us secondly they are the only Indians that Carolina can have any dependance upon been no wayes corrupted by the Crown of France nor Spain nor would they ever suffer it for I have seen ten of the French Indians killed that was sent to them to treat conserning trade or peace their answer being that they would have nothing to say butt to the English, as to all our other Indians which is but three nations they cant not be call'd ours for the Chickasaws have among them the french whom have setled a fort and has to the cricks they have also a french fort amongst them and notwithstanding the Spaniards also trade amongst them and has to the third nation which is the Catawbes they are hardly worth notice been in number but 400 men butt yett they are devided some to the interest of Virginia and others to Carolina so that wee cant properly call any of them ours butt these Charakees who are the only barier or lyne between the French and us and if once the French should gett footing there who are a very eneroching neighbour not valuing a vast present of arms and ammunition so as they can enlarge their masters territories and be troublesome to their neigbours for the first thing they do after a peace with any nation of Indians whatsoever is to settle a fortification and debar them from the commerce of any other person whatsoever in trade or otherwise which is what I have ever since told the Charakees that if once they came into friendship with the French they then would be as slaves and no more a free people and they have at a solemn meeting promis me they never would come to a peace with the french without I was their interpreter and if they keep their word which I don't fear if I do butt keep mine which with the grace of God after hearing H.M. will and pleasure I intend to perform to those poor people tho Heathens which are the honestest and truest to their word of any people I ever knew and depend intirely on the word of a Christian ; has to the presents they have sent are of no value to us butt in their way are as much lookt upon as possible in the first place the eagle's tayle which is sent by the King of Tanesche to his most sacred Majesty is an emblem or token of an intire friendship and has to the carpets they are for H.M. to walke upon the pipes are of a great value among them butt red and they have ordered me to doe them over with chaulk as everything that comes from them in peace must be white as to the girdle it is sent from a man of warr whom to my knowledge loves us interily. As to garters and oter skin I shall not make any remarks upon by reason it would be to tedious to tell who send them. Lett it suffise that these presents are sent from the

King of the Charakees and eleven head wariors whom have a great desire to see H.M. and the strength of our Nation that they may tell their people if they should obtain that hapiness how dangerous it would be to brake friendship with us, likewise they are very desirous to see all things and how they are made for their young people thinks it impossible such things as wee cary amongst them should be made by the hands of man, as to my own part, what I doe is out of pure zeale to serve my King and country. I was born in London of french parents and protestants so that having the french and English tongue I have had the oportunity by Frenchmen that has been by these people taken slaves to understand all their plotts and if they could once gain the Charakees how they would plague Carolina *etc.* *Endorsed*, Charkees and John Savy and Mr. Wyat. 2½ *pp.* [*C.O.* 5, 1337. *No.* 44.]

Sept. 18. Antigua. **397.** Governor Lord Londonderry to the Duke of Newcastle. I arrived att my Government the 19th of last month, and am putting in execution the severall commands I have from H.M. by his instructions, of which I shall with all possible speed acquaint your Grace *etc.* The 12th of this month Capt. Paul George Deputy Governour of Montserrat died. I have appointed Capt. John Osborn the eldest Captain in Collo. Lucas's Regiment Deputy Governour in his room, untill such time as H.M. pleasure shall be known *etc.* As his character and capacity may very well recommend him to this preferment of the value of £200 sterling per annum, so 'twould be of consequence to me in my Goverment to have my first recommendation take effect, in which I begg your Grace's good offices *etc.* *Signed*, Londonderry. 2 *pp.* [*C.O.* 152, 43. *ff.* 29, 29*v.*]

Sept. 23. Portsmo. **398.** Mr. Missing to the Council of Trade and Plantations. In reply to 10th Sept. asks for details as to numbers and provision intended for the said Palatines, in order to preparing a tender on the easiest terms *etc.* *Endorsed*, Recd. 27th Sept., 1728, Read 16th July, 1729. ¾ *p.* [*C.O.* 5, 360. *ff.* 161, 162*v.*]

Sept. 24. Windsor. **399.** The King to Lt. Governor Pitt. With this you will receive a Seal for the use of our Government *etc.* *Described.* You are to return the former seal in order to its being defaced *etc.* *Countersigned*, Holles Newcastle. 1½ *pp.* [*C.O.* 38, 8. *pp.* 144a, 144b ; *and* 324, 36. *pp.* 81, 82.]

Sept. 24. **400.** Similar Instructions to the Governors of New Jersey, New Hampshire and Massachusetts Bay. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 82–86.]

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Sept. 25. **401.** Mr. Lowndes to [? Mr. Popple.] *In reply to enquiry, suggests* that the best method for settling Palatines in S. Carolina will be to transport 2 or 300 families with provisions for a year at the public expense, and to allot 120 acres of land upon Savannah or Port Royal River to every man and his wife and 40 acres per child. No quit rent to be paid for the first two years, a very small acknowledgment for the next 6, and 2*s.* sterl. per acre for ever after. *Continues* :—By this means the value of the Crown's uncultivated land will be raised and the publick be paid good interest for its disbursemts., and the inconveniency of having rich planters take up great tracts of land as they have in other parts of America and so without any culture let it out to new settlers at a very advanced rate will be for the future entirely prevented *etc.* This practice, as in Virginia, has been a great discouragemt. in peopling the Province *etc.* A diligent planter very nearly pays the expence of clearing the land by timber furnished to Barbados, Nevis and Antegoa for fuel *etc.* For many years a considerable lumber-trade has been carried on from hence to Jamaica and Gt. Britain *etc.* A planter in Carolina requires a greater compass of land than in any other part of America. For the land that produces rice must always have two years rest, and hemp and flax a good deal of fresh land *etc.* *Has a scheme* for re-imbursing the public for the cost of transport *etc.*, if he is assured of a competent gratification from the Treasury. *Continues* :—It is well known I was (by many months) the first person that shewed a great man in the administration of what importance 'twould be to block up the Spanish navigation from Port Royal in S. Carolina : which I did to return the affront the British Nation had just then received in relation to Gibraltar, and what my services have since been my Lord Westmorland I doubt not will certify. I beg the Lords Commrs. to keep the direction of the affair as much as possible in their own hands, by reminding their Lordps. of Mr. Hunter's conduct towards those Palatins who should have been settled in New York *etc.* P.S. Mr. Nicholson kept me out of my legal right. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 27th Sept., 1728, Read 16th July, 1729. *Holograph.* 3 *pp.* [*C.O.* 5, 360. *ff.* 167–168*v.*]

Sept. 26.
Windsor. **402.** Order of King in Council. Referring following to the Council of Trade and Plantations, who are to reconsider the act and hear the merchants thereupon *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 4th, Read 8th Oct., 1728. 1¼ *pp.* *Enclosed*,

402. i. Petition of Merchants of London trading to coast of Africa to the King. Pray to be heard against Act of Virginia laying a duty of 40*s.* pr. head on slaves imported *etc.*, as contrary to H.M. Instructions and former orders in Council, since it lays a duty on the British

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merchants to support the expenses of the Government of the Plantations, and is prejudicial to the trade of Gt. Britain. The duty "is unreasonable in itself, greatly prejudicial to petitioners and the negro trade in general, highly injurious to the true interest of the Plantations, and in the consequence of it destructive not only to the whole Plantation trade, but to the trade and navigation of these Kingdoms" *etc.* *Signed*, Rd. Harris and 12 others. 1½ *pp.*

402. ii. Petition of Incorporated Society of Merchants in the City of Bristoll to the King. Praying for repeal of above act, and prevention of such a duty imposed in the future *etc.* as being of "very great prejudice to the trade of the whole Nation, particularly to us of this city who are so greatly concerned in the African trade" *etc.* 1 *p.*

402. iii. Petition of merchants of Liverpool trading to the coast of Africa and the Plantations to the King. As *No.* i. [*C.O.* 5, 1321. *ff.* 62–63*v.*, 65*v.*, 66, 67, 69*v.*, 70, 71, 71*v.*, 73*v.*]

Sept. 29. **403.** Petty expenses of the Board of Trade, Midsummer to Michaelmas. (*v. Journal*). 6 *pp.* [*C.O.* 388, 79. *Nos.* 30–33.]

Sept. 30.
Boston.
404. Governor Burnet to the Council of Trade and Plantations. I send your Lordships the rest of the Votes of the Assembly to the present time, marked as I did before that your Lordships may see the whole dispute between us in them. I have now reduced them to silence and they seem to have no expedient left but to meet and adjourn from day to day and do nothing in which way they seem determined to go on; and I think myself obliged to give them no recess, which by the explanatory charter they dare not take of themselves. How this will end I cannot guess. Your Lordships will see in pag. 81 of their Votes that they have offered me a second present to make up the sum of £3000 for this year, but as this is not settling a salary I chuse to be wholly destitute of all support rather than accept of it in their usual way, by which they may at any time bring the same difficultys on me that they have on former Governours, and therefore I am so far from desiring to have leave to depart from my instruction, that I think H.M. authority in danger of being lost in this country, if it be given up in this point. In the meantime I have no subsistance at all but from my perquisites from the shipping, which amount to about £200 sterling a year now that I have raised them to a par with those of New York *etc.* *Signed*, W. Burnet. *Endorsed*, Recd. 12th Nov., 1728, Read 4th Feb., 1729. *Holograph.* 3 *pp.* [*C.O.* 5, 870. *ff.* 162–163*v.*]

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Sept. 30.
Boston.

405. Governor Burnet to Mr. Popple. I have sent the Lords all that has passed since my former, and I hope they will think I have said and done all that was possible. I shall wait the issue which does not seem very near, but I will depend on my being supported at home. *Signed and endorsed as preceding. Holograph.* 1 *p.* [*C.O.* 5, 870. *ff.* 160, 161*v.*]

Sept. 30.
Antigua.

406. Governor the Earl of Londonderry to the Council of Trade and Plantations. I beg leave to acquaint you I arrived in this Island the 19th of August last, and that I caused that day my Commission to be read and publish'd, and the Councillors as appointed by H.M. Instructions to be sworn. I have given the necessary directions to the proper Officers here to return me an account of everything under their management, in order that I may form a state of the present condition of the Island in every respect, agreeable to my Instructions, to be transmitted to your Lordships, which I shall do, with all the expedition immaginable. *Encloses* Minutes of Council and Assembly for Antigua, *and has given* strict orders to the Secretaries and Clerks of the respective Councils and Assemblies to prepare for the future copies of their Journals to be transmitted *etc. Continues*:—I now send your Lordps. an Act pass'd unanimously by the Legislature of this Island the 22d instant, granting unto H.M. a tax, in order for a settlement on me dureing my Government here, and for paying to me one thousand pounds current money, on the consideration I can receive no benefit from the tax, the crop being over and the shipping gone from hence. As some difference of opinion has happen'd about the interpretation of the words in my 33d Instruction vizt. (dureing the whole time of your Government there) whether by the word there is meant that I am only permitted to accept of a settlement dureing my personal residence in any part of my Government, or dureing my continuance of my Commission, supposeing I should be absent from it, I think it convenient to mention this to your Lordships, that for the future the sense of this Instruction may be so explain'd as to leave no manner of room to doubt thereof; but as at present the settlement to me is made dureing my Government here, and even to continue one year after my leaving, provided, I return again Chief Governor, I apprehend it to be agreeable to H.M. instruction, and am well satisfied with it. Your Lordsps. will please to observe, that the scheme of the tax is 3*s.* 6*d.* pr. ton on every ship or vessel, that shall load partly or chiefly with the produce of this Island, but at the same time, that not one farthing is raised upon any ship or vessel whatsoever, the tonnage being only the measure of my income, for tho' the tax to pay me, is in proportion to the tonnage, yet it is laid on sugar, rum, molasses, cotton, indigo *etc.* all of them the productions of this island and not of Great

Brittain, or elsewhere, so that in good crops when many ships come, my income will be larger, and in bad ones, smaller, and may be deem'd by a computation I have made of the tonnage for seven years last past to amount, communibus annis, to about £1500 per annum. This tax (my Lords) is thought more elligible then any yet raised, because the Governor thereby shares in the good or bad fortune of the people, and it is paid only by the rich who are the shippers of sugar *etc.*, for the middleing people and poor will pay nothing, and therefore, I make no doubt, but it will meet with your Lordships approbation, and I intreat your Lorsps. to give it a quick dispatch, that it may have H.M. royal assent, as soon as possible, which will lay a great obligation on me. I should be very much obliged to your Lorsps. if I could soon know your opinion of the Act for ascertaining the number of Assemblymen for that part of St. Christophers formerly belonging to the French, for tho' tis highly necessary that that part of the island should be represented, yet I cannot but conceive the methods prescribed by the bill for that purpose, must be liable to many objections, as they clash with H.M. Instructions, for 'tis evident to me by compareing the bill with them, that there are contain'd therein, sundry things of a very new and extraordinary nature, such as ascertaining the number of members to be elected, how many each town or district shall return, excludeing the King's Officers, even those that have patents for life, and laying them under severe penaltys, if they meddle in elections, the makeing the Assembly annual, and prescribeing the manner of issuing writts contrary to their usual practice, and contrary to that of the other islands of the Government, with a great many such like things, wherein the King's perogatives may be greatly concernd. Wherefore I apprehend that bill ought not to have taken place, till confirm'd by H.M., and as I shall be very unwilling to call an Assembly there, under that law, till I know your Lordships' opinion about it, I question not, but I shall have the honour of your answer, as soon as possible, *etc.* *Encloses* names for vacancies in Council. *Concludes* :—As soon as I go to the other islands, which will be in few days, I shall not faile to do the same. *Signed*, Londonderry. *Endorsed*, Recd. 13th, Read 17th Dec. 1728. 2¾ *large pp. Enclosed*,

406. i. List of Members of Council of Antigua (four in England). Persons to fill up vacancies :—Samuel Martin, John King, Charles Dunbar, Richard Ash, Joshua Jones, James Wetherill. *Endorsed*, Recd. 13th Dec., 1728. 1 *p.* [*C.O.* 152, 16. *ff.* 363–365, 366*v.*]

Sept. 30. **407.** C. Jackson to the Honble. Coll. Bladen. Encloses, as requested, an account of the Bahama Islands. *Signed*, Cuthbert Jackson. *Endorsed*, Recd., Read 1st Oct., 1728. ½ *p. Enclosed*,

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407. i. Mr. Jackson's report upon the Bahama Islands. *Sketches* history. The principal causes which have obstructed the settling of the place and rendered the attempts of the Society abortive are, (i) Want of a Civil Government, (ii) the Lessees' dues and tenths, (iii) Want of a proper authentick power to grant patents for lands. Braziletto wood and salt are bulky, and of small value, and oil hazardous and expensive to get. Though the present Lessees have been very indulgent and not exacted their dues with rigour, yet the very being subject to such a large demand must be a great discouragement *etc.* 3½ *large pp.* [*C.O.* 23, 2. *ff.* 172, 173–174*v.*, 175*v.*]

Oct. 1. Whitehall. **408.** Council of Trade and Plantations to Lord Townshend. *Enclose following* to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

408. i. *Same* to the King. *Representation* upon state of Bahamas and complaint against Governor Phenney *in reply to* 13th Aug. We have discoursed with Mr. Curphey Chaplain to the Garrison there, with several persons lately come from thence and with the Agents for Capt. Phenny, and we find that these Islands are at present in a declining state, both with respect to their commerce and to the number of their inhabitants. We have therefore enquired into the causes of this alteration, and find, that the people have lain under many discouragements, namely the want of a sufficient force to protect them, of a civil Government properly establish'd for the regular distribution of Justice and of an Assembly, whereby they may be enabled, to make such laws as may be proper for their circumstances; to these may be added that no person hitherto is sufficiently empower'd to grant lands to such of your Majesty's subjects as shall be dispos'd to settle there, and if we are rightly inform'd, the quit rents intended to be reserved are much larger than shou'd be impos'd on planters in the infancy of a Colony. But what in a more particular manner has discouraged the inhabitants of late years and even obliged some of them to quit the Colony has been the illegal and arbitrary behaviour of the Governor's wife, who has monopoliz'd the trade of those Islands and retails to the inhabitants all commodities and provisions at exorbitant prices, whereby she greatly oppresses your Majesty's subjects; and she has even carried her indiscretion so far as to insult a Justice on the Bench in the execution of his duty for not pronouncing sentence according to her

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inclination. We can by no means excuse the Governor in conniving at or indulging his wife in so extravagant and oppressive a conduct, altho' in other respects Mr. Phenney bears a fair character, nor have we any personal complaints against him before us that are sufficiently supported by proper evidence. For as to the condemnation of John Wadsworth by a Court Martial, it appears to us that the sentence of that Court was approved by their Excellencies the Lords Justices in 1723, tho' they afterwards pardon'd the said Wadsworth. And as for the second condemnation of the same man for another crime by a Court of Admiralty, the Judges of that Court in our humble opinion would seem more properly responsible than the Governor. But having no proper evidence of this matter before us, we shall send a copy of the complaint to Mr. Phenney for his answer thereunto. However, in the mean time considering of what consequences the Bahama Islands are to the trade of Great Britain, we humbly submit to your Majesty whether it would not be for your Majesty's service that the Government of those Islands should be placed in the hands of some person whose conduct and abilitys may give all proper encouragement to such planters as are inclinable to settle there. *Autograph signatures.* 4 *pp.* [*C.O.* 23, 12. Nos. 97, 97 i.; *and* 24, 1. *pp.* 97–101.]

Oct. 1.
Charles Town in S. Carolina.

409. John Lloyd to Lord Townshend. Reminds him of his services in the '15. He was the Secretary to the Post Office under Mr. Craggs, "but for nine years past have resided in this countrey, because of ill fortune I met with in ye stocks." *Asks to* be appointed First of the Council, or a commission to be Lt. Governor without any salary. "What I propose by it is, a little power, and perhaps a little profit, during the absence of a Governor." Has been a member of Assembly for eight years and was sent to England as Agent for the country *etc.* *Concludes*:—Many inconveniencies have happen'd by the first in the Council taking the administration upon the decease or absence of a Governor in the past, for they happen very often to be too little acquainted with ye affairs of ye world, as is ye case of our present President *etc.* *Signed,* John Lloyd. 2½ *pp.* [*C.O.* 5, 387. *No.* 84.]

Oct. 1.
Solebay, S. Carolina.

410. Capt. Warren to Mr. Burchett. *Has delivered* the orders of the King of Spain to the Viceroy of Mexico and obtained from him accordingly restitution of the South Sea Company's ships and effects seized in La Vera Cruz *etc.* *Visited*

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the Havanna and brought off English prisoners thence *etc.*, *Describes* movements of galleons. *Endorsed,* In Mr. Burchett's, Nov. 15. *Copy.* 2½ *pp.* [*C.O.* 5, 387. *No.* 85.]

Oct. 3. St. Johns, Newfoundland.

411. Mr. Keen to Mr. Popple. I take this opportunity of acquainting the Lords Commissioners of a murder committed the last winter by Anthony Steel, als. Lee, uppon one of his servants, which prisoner together with the evidences Thomas Carter and Philip Gribble, I now send in the briganteen *Samuel etc.* for London, to take his tryall. I humbly begg leave to lay before their Lordps. the great hardships H.M. subjects living in Newf'land, are exposed to, for want of propper persons duely authorised to administer justice in the absence of the Commanders of H.M. ships, and espetialy the winter season, being expos'd to the insults of ill-minded men, who knowing they cannot be punished in Newf'land. commit many outrages, roberys and murders and unless some care be taken to suppress the outrages frequently committed the sober part of the inhabitants will be obleadged to move from their possessions and seek their living in a more civilised country *etc.* Neither is here any people willing to contribute to the charge of sending mallifactors and evidences home that they may be prosecuted (so) that I am obleadged at my own charge to victuall the prisoner and evidences and to pay their passages *etc.* *Hopes* that he will receive consideration and that the evidences may be provided for *etc.* *Signed,* W. Keen. *Endorsed,* Recd. 30th Nov., Read 3rd Dec., 1728. 1¾ *pp.* [*C.O.* 194, 8. *ff.* 181, 181 *v.*, 182*v.*]

Oct. 4.

412. Petition of Members of Church of England of Rehoboth, Barrington and Attlebrough (Mass.) to the King. *Quote* clause of Charter granting liberty of conscience *etc.* "designed to protect such who unhappily dissented from the established Church." *Continue* :—Notwithstanding under colour of Acts and Laws of this Province formed and composed altogether by such Separatists, your Memorialists are continually prosecuted, presented and imprisoned by them, for not paying to the support of their Ministers, notwithstanding your Memorialists yearly contribute to the support and maintainance of their Ministers duly licenced by His Lordship the Bishop of London. And tho' your Memorialists made frequent applications to the Great and General Courts of said Province for redress, they as frequently rejected the same, the Church of England haveing very few or no advocates in either of said Houses. *Pray for* protection from such notorious impositions *etc.* 24 *signatures.* 1 *large p.* *Torn.* [*C.O.* 5, 10. *No.* 189.]

Oct. 8. Whitehall.

413. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expenses and officers' salaries for quarter ending Michaelmas. Account annexed. [*C.O.* 389, 37. *pp.* 293–295.]

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Whitehall.

414. *Same* to the King. *Propose* that a public seal be ordered for Nova Scotia. [*C.O.* 218, 2. *pp.* 122, 123.]

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Whitehall.

415. *Same* to the King. *Represent* that the Act of New York *for preventing prosecutions by informations* "is an high encroachment upon your Majesty's undoubted prerogative of proceeding by way of information, and of dangerous consequence to your Majesty's interest, revenue and government in that Province" *etc.* *Propose* its repeal. [*C.O.* 5, 1125. *p.* 120.]

Oct. 8.
Whitehall.

416. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 21 acts of Virginia—enumerated—passed 30th March last. *Desires first report upon the act for levying a duty upon slaves imported, and for appointing a Treasurer,* "which their Lordships intend to take more immediately into consideration." [*C.O.* 5, 1366. *pp.* 5—10.]

Oct. 12.
Barbados.

417. Governor Worsley to the Duke of Newcastle. *Encloses* by first opportunity letter of thanks to H.M., for his Commission as Governor *etc.*, which he published with the usual solemnities on 8th Oct. *Hopes* for H.M. speedy decision upon dispute between Council and Assembly over Excise bill (*v.* 13th Sept.), "as the chief duty is laid upon wine, which generally comes in here from Madeira about Christmas." *Concludes*:—As the present General Assembly stands prorogued to the 18th instant, I design to dissolve them, in hopes that the next may meet in better temper. *Signed*, Henry Worsley. *Endorsed*, Rd. Dec. 9th. 2 *pp.* [*C.O.* 28, 44. *No.* 127.]

Oct. 12.
Barbados.

418. *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis.* *Signed*, Henry Worsley. *Endorsed*, Recd. 10th Dec., 1728, Read 20th May, 1729. 2 *pp.* [*C.O.* 28, 20. *ff.* 103, 103*v.*]

Oct. 16.
Windsor
Castle.

419. Duke of Newcastle to Governor Burnett. *Encloses* petition of Capt. Thomas Doleman of Bristol, merchant, complaining of the snow *Elizabeth* having been unjustly seized and condemned together with her cargo, as belonging to pyrates *etc.* I received H.M. commands *etc.* for you to enquire into the truth of what is therein alledged, and see justice done to the petitioners, if their complaint appears to be well founded, and if it be not, you will send me a true state of the case to be laid before H.M. *etc.* *Signed*, Holles Newcastle. [*C.O.* 324, 36. *p.* 87.]

Oct. 17.
Windsor
Castle.

420. H.M. Commission to Woodes Rogers to be Captain of the Independent Company in Providence I., in place of George Phenny. *Countersigned*, Townshend. [*C.O.* 324, 36. *pp.* 97, 98.]

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Whitehall.

421. Mr. Popple to Mr. Fane. *Encloses*, for his opinion in point of law, by Tuesday next, Excise Act of Barbados, 1728, with amendments offered by Council. [*C.O.* 29, 15. *p.* 97.]

Oct. 18.

422. Mr. Fane to the Council of Trade and Plantations. *Reply to preceding.* The proposed amendments "are extreamly expedient and proper, *etc.*, being entirely calculated to make this bill both in form and substance exactly agreable with the former bills of this kind pass'd in the said Island, and also to prevent what might be deem'd an encroachment upon the prerogative of the Crown as to the manner of issuing and applying the money given by this bill." *Signed*, Fran. Fane. *Endorsed*, Recd. 21st, Read 22nd Oct., 1728. ¾ *p.* [*C.O.* 28, 20. *ff.* 31, 32*v*].

Oct. 18.
Windsor Castle.

423. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following. Continues:* This so nearly concerns the Trade and Navigation of H.M. Dominions, the promoting of which is what the King has most at heart, that H.M. would have you take it into your most serious consideration, and propose such methods as shall appear to you most proper for the putting an end to the abuses and disorders mentioned by Lord Vere, and for encouraging and improving so considerable a branch of the British commerce: and as you will find that it's present obstruction is chiefly imputed to the Garrison, H.M. would have you lay before him your opinion how far the keeping one there is necessary or usefull for the protection of H.M. subjects, and the preservation of that settlement. *Signed*, Holles Newcastle. *Endorsed*, Recd. 19th, Read 22nd Oct., 1728. 1½ *pp.* *Enclosed*,

423. i. Commodore Lord Vere Beauclerk to Mr. Burchett. *Kinsale* in St. Johns, 19th Aug., 1728. Pursuant to directions, I ordered the *Squirrel* to St. Johns and went myself to Placentia, where I arrived the 16th July. Upon complaints of the Admirals of the harbour of several grievances and oppressions the Fishery of that place lay under, I ordered a Court to be held on 22nd July, in order to settle everything in the best manner I could, but I soon found my power was not extensive enough to redress what they chiefly complained of, the fort and garrison which was intended for their security being the sole cause of most of the hardships they suffered. Their first complaint was that every year upon their arrival they found the greatest part of their houses and stages broke down, and the materials lost, that instead of being able to go immediately to fish, three weeks or a month was always taken up to put themselves into a condition. Papers had

been put up several years following, promising rewards to any would inform against the aggressors, but they could never gain any certain accounts. I examined several of the inhabitants who had staid there during the winter seasons, they could none of them deny its being true that the houses and stages were demolished and pull'd down for the sake of the timber, but I could not fix it on any particular persons, the planters laying it on the soldiers and they on the planters, it plainly appeared by circumstances that both were concerned, and for that reason I could not punish the planters, not knowing what share of damage to impute to them, not having a power to levy a fine upon the garrison, which is the usual and only reparation can be had and what is practised in all the other parts of Newfoundland. Their other complaint was that they were deprived of the greatest and best part of the Beach which is that within the harbour and by persons who had no right to it. I therefore summoned all those who had any stage or beach to produce their titles, upon examination I found the Govr. of the garrison laid claim to most of the rooms and stages within the harbour, and to several without, but how or upon what grounds I really can't say, for when he was summon'd he refus'd coming to the Court, excusing himself by saying Govr. Philips had given him positive orders not to obey any summons or in any manner appear himself or suffer those under him to appear at the Court, by which means the taverns and publick houses being most of them kept by some of his Garrison, being under his protection, do as they please, and the preventing disorders and riots is impossible. Several complaints were brought against the Governor for detaining plantations that belonged to others, having seized some in the absence of the owners, imagining they would not have return'd again, and others upon pretence of debts due to him from them, but as he would never settle the accounts nor prove the debts, tho' earnestly desired by the party's concerned, I can't help concluding he possesses them very unjustly. As these stages and rooms which he calls his own are within the harbour; and so much more commodious than those without, which are liable with the least bad weather to have so great a surf as not to be able to land or wash their fish, and very often damages great quantities of it, the masters of the ships hire them every year for so much, but as I find by the copys of Capt. St. Lo's papers which you did me the favour to send me, that their Lops. have had a plan

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of the Beach and a particular accot. from him what the stages and rooms were let for last year, I will not trouble you again with it *etc.* As I could get no certain accot., it was impossible for me to settle who had a right to the plantations and who not, and was obliged to leave it in almost as much confusion as I found it, and here I must beg leave to observe the great disorders and irregularitys this must occasion, and the detriment it must be to the Fishery, for Placentia is allowed by everybody to be the most commodious harbour and the finest beach in the world; when the French had it 100,000 quintals of fish has been seen at one time upon it, whereas 50 has been the utmost we have ever made; several planters would undoubtedly settle there did they not hear of the oppressions others have met with, which has obliged them to quit the place, and more ships would most certainly go thither to fish, could they have convenient rooms and stages without paying for them, but instead of that, before the arrival of the man of war, they are threatned and intimidated into a complyance of whatever is requir'd of them, the Adml's. powers are contemn'd, their Court represented as ridiculous and invalid, and of course no justice to be had, but this has been already represented by petitions from the masters of ships and other methods *etc.* Although I could not settle anything in the order it ought to be, I endeavoured to do all I could, and as I found the regard to the fishing Admls. powers so mightily diminished as made me justly apprehend orders from them would be but negligently obey'd, I therefore gave out in my own name such as I found absolutely necessary (*copies enclosed*), and have enter'd them into a book, which I have left sealed up with one of the principal inhabitants, to be delivered to the next officer that shall come after me, that he may know what I did, and my reasons for so doing. If such a register had been kept ever since we have had possession of the place, it would not be so difficult to decide every one's property, which really as things were I could not pretend to do without running the risque of doing injustice. I found disputes had been very differently determined, sometimes according to the law and customs were in force in the French's time, and sometimes according to those observed in the other parts of Newfoundland, for no new Act having passed since the acquisition of the place, and no certain rule prescribed by the Heads of Enquiry, every one has decided as he thought proper *etc.* I beg to submit it to their Lops. whether it will be possible to remove all the discouragements the Fishery meets with and make it not lyable to future oppressions, if the garrison continues upon the foot it now is, and not answerable to any but in England for their behaviour *etc.* I arrived here (*i.e. St. Johns*) the 1st instant and found Capt. Osborn had been arrived 14 days. I flatter'd myself that as there was no garrison here to terrify or interfere, I should find a stricter obedience to the laws and regulations that had been made for the government of the place, and that the proper regard was shew'd to the authority vested by the law in the fishing Admls., but on the contrary I find that thro' the ignorance of some and negligence of more for some years past, they have been so slighted, that unless the Capts. of the men of war are present to assist and countenance them at their Courts their meetings would be nothing but confusion, and their orders of no use, which is the reason we are obliged to usurp a power, which I apprehend does not properly belong to us, of publishing orders in our own names to prevent as much as we can the threats the rioting and disorders, which, to the great detriment of the Fishery are generally practised in our absence: The great misfortune, and which I think is the origine of all the rest, is, that nobody in the winter season is empower'd to keep peace and administer justice, that the sober and industrious are every day lyable to be insulted and robbed by the idle and profligate unless they can oppose them with greater force. In the Heads of Enquiry there is an article which directs the names of the persons to be returned them who administered justice during the laste winter, but I can't find that we are anywhere authoriz'd to empower proper persons upon our leaving the country, which is so well known by everybody that were we to pretend to appoint any, not the least regard would be shown them. There is a greater plenty of fish this year in all places than has been these 15 years; their only complaint is want of ships to carry it away, *etc.* *Signed*, Vere Beauclerk. *Copy.* 7⅓ *pp.* [*C.O.* 194, 8. *ff.* 173–177*v.*, 178*v.*]

Oct. 18.
Windsor
Castle.

424. Duke of Newcastle to Governor Philipps. H.M. has commanded me to send you a copy of *preceding* letter, and to signify to you that you forthwith give me in writing, to be laid before H.M., an account of what orders you have at any

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time given to the Lt. Governor, or to any other Officer there, and of what may have come to your knowledge concerning the facts mentioned by Lord Vere *etc.* *Signed*, Holles Newcastle. *Annexed*,

424. i. Copy of Lord Vere's letter preceding. [*C.O.* 324, 36. *pp.* 88–97.]

Oct. 18. Windsor Castle. **425.** Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint Woodes Rogers Esqr. to be Governor of the Bahama Islands, you are to prepare a Commission and Instructions for him *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 19th, Read 22nd Oct., 1728. $\frac{2}{3}$ *p.* [*C.O.* 23, 2. *ff.* 176, 177*v.*]

Oct. 23. Whitehall. **426.** Council of Trade and Plantations to Governor Burnet. Enclose warrant for use of new Seal of the Massachusets Bay, and direct him to return the old, *etc.* *v.* 14th Aug. [*C.O.* 5, 916. *p.* 174.]

Oct. 23. Whitehall. **427.** *Same* to the Duke of Newcastle. Enclose following to be laid before H.M. "It is for H.M. service that his Royal pleasure upon this matter should be signifyed as soon as possible" *etc.* *Annexed*,

427. i. *Same* to the King. *Representation* on the draught of the Excise Act prepared by the Assembly of Barbados, 1728: "To which several amendments have been offered by your Majesty's Council there, and not agreed to by the Assembly, who insist against admitting any amendments to the bill notwithstanding the many extraordinary clauses therein contained, more particularly the two following relating to utensils and repairs of the Magazines," *quoted.* *Continue*:—Whence it appears that the Assembly would deprive the Governor of the power given him by your Majesty to sign warrants for the issuing of moneys without their approbation first particularly obtain'd for that purpose, contrary to the constant usage of that Island, and of all other your Majesty's Colonies. Wherefore *etc.*, finding many things therein derogatory to your Majesty's prerogative and contrary to several of your Royal Instructions to your Governor there, for his conduct in the issuing of money and the passing of bills, we thought it our duty to lay these proceedings before your Majesty, that you may be pleased to declare your Royal disapprobation thereof, to discourage the like attempts for the future. [*C.O.* 29, 15. *pp.* 98–102; *and* (*covering letter only, with autograph signatures*) 28, 39. *No.* 46.]

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428. *Same* to Governor Worsley. *Acknowledge* letters *etc.* of 20th July and 14th Aug. *Continue :*—We have perused the Excise bill, as it was prepared by the Assembly, and have considered the several amendments proposed to be made to it by H.M. Council, which seem to be for the most part just and reasonable, and we are of opinion, that you cannot give your consent to a bill conceived in such terms without injuring the King's prerogative, and breaking thro' several of your Instructions. As H.M. service is very much concerned in the event of this affaire, we were willing to give you our thoughts upon it as early as might be, and we shall take the first opportunity of laying a state thereof before the King and so soon as H.M. shall have signifyed his pleasure thereon, we shall communicate the same to you. [*C.O.* 29, 15. *pp.* 102, 103.]

Oct. 26.
Boston.

429. Governor Burnet to the Council of Trade and Plantations. I now send to your Lordships the votes of the Assembly published since my last of the 30th of Sept. in which your Lordships will observe that I endeavoured to bring them out of their inactive state by my speech of the 1st of October, of which they would of themselves take no notice, and when on the 5th the Council proposed to them to join in considering it, the House put it off to the 23rd, and when they met on that day they refused to join with the Council, and on the 24th they made me an answer by themselves, which is not only a refusal of the thing proposed in my last speech, but likewise a persisting in disregarding H.M. 23rd Instruction about fixing a salary. Upon this I thought it proper to do what I had for a week before told them in private discourse that I would do unless they would prevent it by a complyance, and that is I have adjourned the General Court to Salem, a town about 20 miles from hence to meet on the 31st inst. My reasons for doing it are these. Because this town of Boston has shewn their disrespect and undutifullness to H.M. by calling a general town meeting of all the freemen of this town, in which they unanimously gave instructions to their members to vote against fixing a salary on the Governour. This was first done in this town, and has been followed by some towns in the Province, 3 or 4 of them have done the same with Boston but others have had the prudence to decline giving any instructions but have left it to their members. This attempt of which Boston set the example is of so dangerous a nature to the Constitution if it should be drawn into precedent, and has been so maliciously employed at this time, that I thought it necessary for the Government to shew its resentment upon it. Because the people of the town are continually endeavouring to pervert the minds of the Members that come from the Country, who it is to be hoped will not be so much tampered with in the Country and particularly at Salem, where I am informed the

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people are generally well inclined, as the Members for that place are. Because the whole profit of the meeting of the Assembly is confined to the town of Boston who deserve so ill at the hands of the Government; and therefore their interest leads them to keep the Assembly together as long as they can for the benefit of the town; which has often been the occasion of many tedious and needless Sessions. And as I believe it will be acceptable to the country to have the expences of the General Court circulate through the principal towns of the Province, which is the method I intend to pursue, till I have orders from your Lordships which I earnestly intreat that I may have by the first vessel that will sail for this place in the Spring, which will be in February next. I would now beg leave to propose to your Lordships two expedients that I humbly apprehend will be necessary to bring this people to reason and their duty, and without which I fear that H.M. authority here will be treated with very little respect. First I hope your Lordships will think fit to move H.M. for a disallowance of *the Act for raising and settling a Public Revenue for and towards defraying the necessary charges of this Government by an emission of sixty thousand pounds in bills of credit on this Province*, but at the same time because it will create a good deal of confusion if this disallowance should be final I hope your Lordships will move at the same time for leave to re-enact the whole substance of the Act, providing the interest of four per cent. be therein applyed to the salary of the Governour for the time being, so that it may be issued for that purpose by warrants from the Governour in Council, as it comes in to the Treasury. The second thing I humbly propose is, that your Lordships would be pleased to lay before H.M. the whole conduct of the Assembly not only in refusing to comply with H.M. 23rd Instruction, but likewise in having the confidence to charge H.M. with giving an *Instruction that has a direct tendency to weaken if not to destroy their happy* constitution (pag. 32 and 52 of their votes), an Instruction that is *in prejudice of the rights and libertys of the inhabitants of this Province* (pag. 49), an Instruction with which a complyance *might justly be deemed a betraying the rights and priviledges granted in the Charter* (pag. 66), and a *bearing on their priviledges* (pag. 80), and is *concluded by the house to tend very much to the hurt of the people of this Province* (pag. 103). This I conceive to be a charge of a very high and daring nature, and if it is not resented at home, will render the Assembly here insufferably arrogant. And since H.M. has threatened them with *the consideration of the Legislature in what manner the honour and dignity of His Government ought to be supported in case they shall not pay an immediate regard to His Royal Will and Pleasure*, and now that they have not only refused to do this, but have made such daring reflections on H.M. upon account of this

Instruction I humbly submit it to your Lordships if it is not absolutely necessary, that H.M. be moved to lay the matter before His Parliament, that they may see how H.M. has been treated by this Assembly, and that the two Houses may have an opportunity thereupon of assuring H.M. of their sense of the undutifull behaviour of this Colony, in pretending without any ground that His Instruction is any way contrary to the Charter granted by King William and of their readiness in assisting H.M. to secure the dependance of this province on the Crown in case they do not comply with His Instruction, and express their acknowledgments of their undutifull behaviour, before the following Sessions of Parliament. This my Lords will be no final decision against their Charter, but will give them just apprehensions of loosing it, if they continue refractory and I beleive nothing less then this will be sufficient to bring them to a true sense of their duty. I must therefore humbly beg your Lordships to give all possible dispatch to their affair as being brought to a crisis, which must inevitably end in preserving or loosing H.M. prerogative in this place; and in the meantime tho I have little hopes of succeeding with the Assembly; yet I am determined to keep them sitting till I have your Lordships commands; that the Country may have the full experience of the vast charge that their obstinacy brings upon them *etc.* *Encloses* following and awaits the Board's decisive commands in the Spring *etc.* P.S. He is informed that the acts have been transmitted *etc.* *Signed,* W. Burnet. *Endorsed,* Recd. 10th, Read 11th Dec., 1728. 7 *pp.* *Enclosed,*

429. i. Resolutions of a meeting of Freeholders at Boston, Sept. 30, 1728 that (i) that they would not have a salary settled upon a Governor for the time being, nor (ii) on the present Governor for a limited time. *Signed,* Samll. Checkley, Town Clerk. *Endorsed as preceding.* [*C.O.* 5, 870. *ff.* 135–139*v.*]

Oct. 26. Boston. **430.** Governor Burnet to the Duke of Newcastle. *Encloses* duplicate of Sept. 13th. *Continues:*—Since which I have received two Additional Instructions (18th June); I have ordered the directions about the manner of praying for the Royal Family to be published *etc.* I must now beg leave to apply to your Grace for redress against the Assembly here, who have not only refused to comply with H.M. Instruction about fixing a salary, but have had the assurance to charge H.M. with an attempt therein to break the priviledges granted to them in their charter. *Refers to enclosed duplicates of letters to Board of Trade for proposed expedients to bring them to reason etc.* *Prays that* the matter "may be laid before H.M. as soon as possible, and that if it is thought proper a resolution of Parliament may be obtained in order to convince this people

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that their daring attempts will not be countenanced there, as they pretend to hope. I continue the Assembly sitting in full expectation of decisive commands from your Grace, by the first vessel that will sail from London in February next, without which I have little reason to expect any regard from them to H.M. Instruction. I hope your Grace will excuse my being so importunate, since it is a matter in which H.M. authority, and prerogative is so nearly concerned, and in supporting which I hope my zeal will be approved by your Grace." *Signed*, W. Burnet. *Endorsed*, R. 10th Dec. 2 *pp.* *Enclosed*,

430. i—iii. Duplicates of *Nos.* 387, 404, 429. [*C.O.* 5, 898. *Nos.* 46, 46 i–iii.]

Oct. 26. Boston. **431.** Governor Burnet to Mr. Delafaye. *Refers to preceding. Concludes*:—I hope for your friendship in getting this affair forwarded with all possible dispatch, till which time this Government is of no profit, and has no authority. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 898. *No.* 47.]

Oct. 26. Boston. **432.** *Same* to Mr. Popple. Will send duplicates of his letters to the Board, Sept. 13, 30th and Oct. 26, by the next vessel *etc.* *Signed*, W. Burnet. *Endorsed*, Recd. 10th, Read 11th Dec., 1728. *Holograph.* 1 *p.* [*C.O.* 5, 870. *ff.* 140, 141*v.*]

Oct. 28. Barbados. **433.** Governor Worsley to the Duke of Newcastle. *Refers to proposed dissolution of Assembly v.* 12*th Oct. Continues*:—But not finding any disposition in the people here, to act otherwise than they had hitherto done, and that a new election might occasion greater confusion in the countrey, I did not think it proper to dissolve them, neither shall I, till I have the honor of H.M. commands upon what they have already done, from whence only, I can expect, considering the present situation of affairs here, any alteration in their conduct, and therefore I prorogued them to the 12th of the next month, when I propose to let them sit, for as the duties upon wine are the chief support of this Government, and as they generally come in about Christmas, in case a proper expedient could be found out, by which those duties may be paid, tho' the money not disposed of, till H.M. pleasure should be known, a considerable summ of money may be saved for the service of this Governmt. *Signed*, Henry Worsley. *Endorsed*, R. 7 Janry. 2 *pp.* [*C.O.* 28, 44. No. 128.]

Oct. 28. Barbados. **434.** *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis.* *Signed*, Henry Worsley. *Endorsed*, Read 20th May, 1729. 2 *pp.* [*C.O.* 28, 20. *ff.* 105, 105*v*, 106*v.*]

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Oct. 29.
Coleman Street.

435. Mr. De la Fontaine to Mr. Popple. *Encloses following. Continues* :—By the encouragement wee now have from abroad, wee could engage allmost for any number. Those wee transported to Pensilvania wrote to their friends allways to prefer Mr. Missing's ships *etc. Signed*, Benja. de la Fontaine. *Endorsed*, Recd. 28th Oct., 1728, Read 16th July, 1729. *Addressed.* ½ *p. Enclosed*,

435. i. Thomas Missing to the Council of Trade and Plantations. His agents in Holland *etc.* assure him that very great numbers of Protestant Palatine families are willing to be transported by him to S. Carolina as soon as the encouragement to be given them is fixed *etc.* ¾ *p.* [*C.O.* 5, 360. *ff.* 163, 164, 166*v.*]

Oct. 30.
St. Johns, Newf'land.

436. Mr. Keen to Mr. Popple. *Refers to letter* of Oct. 3. *Continues* :—I was desired by the Ld. Vere Beauclerk to acquaint their Ldshps. of anything happening after his leaving *etc.*, since which divers ill actions and thefts has been committed, insomuch that wee have scarce anything that wee can well call our own, our sheep and the produce of our gardens are stole from us, and for want of propper authority the ofenders altho convicted go unpunished. *Prays that* persons to administer justice during the winter may be appointed. *Continues* :—The trade of Newfland suffers much in relation to the culling of fish (that is seperating what is merchantable from the refuse) many ignorant men taking bad for good which when at a market turns out rotten and black, and others refusing all but the flour, which is unjust and its not to be prevented unless as in all other the Plantations there be sworn searchers or cullers appointed, the charge of a penny a quentall to be paid by the seller and buyer, which would infallibly prevent all the frauds now committed and our fish regain its credit in forreign markets, and here are at all times men sufficient that would gladly be imployed in that servis *etc. Signed*, W. Keen. *Endorsed*, Read 19th Dec., 1728. 1½ *pp.* [*C.O.*, 194, 8. *ff.* 185, 185*v.*, 186*v.*]

Oct. 30.
St. Johns, Newf'land.

437. *Same to same. Begins as preceding. Continues* :—Since the beforegoing I have returnd me my Lord Vere Beauclerk's order directed to the Admls. of Renuse, (*enclosed*), the persons directed to have not only denyd the obeying the sd. order but us'd vile and oprobrious language, and persist in doing the most unwarrantable and unlawful actions, as indeed has been the frequent customs of the Admils. of the outports, being men generally as ignorant as insolent *etc.* In behalf of the distrest inhabitants I begg leave to lay before their Ldspps. the necessity there is of haveing their greivances redrest. I have resided here a merchant upwards of 20 years, and am perfectly

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acquainted with the nature and trade of this country and am very well assured that the decrease of the trade is chiefly oweing to the want of due administration of justice *etc.* *Offers his services.* *Signed,* W. Keen. *Endorsed as preceding.* 2¼ *pp.* *Enclosed,*

437. i. (a) Commodore Lord Vere Beauclerk to the Admirals of Renouse. *Kinsale.* 12th Sept., 1728. Whereas I find you have pulled down a cook-room and removed land-marks belonging to John Jenkins, notwithstanding he produced proof of his undoubted right to the said plantation, you are hereby directed to make him immediate satisfaction *etc.*

(b) *Same to Same.* 4th Oct. Whereas I find that you have had the insolence to disobey *above* order, I have ordered Mr. Jenkins to acquaint Mr. Keen, if you do not immediately make him satisfaction, who upon my desire will represent your disobedience to the Lords Commrs. of Trade *etc.* (Benjamin Jolley, Adml.) *Copy.* 1¾ *pp.*

437. ii. Mr. Jenkins to Mr. Keen. Renouse. Oct. 21st, 1728. The Admirals made slight of my Lord Vere's order *etc.*, and say they will answer to the Lords Commissioners for what they have done, and that the Lieuts. comes along shore only to get money but not to do justice *etc.* *Signed,* John Jenkins. *Witnessed by,* R. Rowes, *his mark,* Ester Rowes, John Chappell. *Endorsed,* Read 19th Dec., 1728. 1 *p.* [*C.O.* 194, 8. *ff.* 187–189, 190, 190*v.*]

Oct. 30.
Bermuda.

438. Lt. Governor Pitt to the Duke of Newcastle. I arrived at the Bermuda Islands the 2nd of Sept. last and upon my arrivall found the cuntry had been much damnified, by a violent hurricane, which has by many ways and means reduced this cuntry to great scarcity *etc.* Upon my inspecting into the state of the administration of Justice, I found it attended with many inconveniencys, and as many delays, by reason of the accumulation of offices, on some persons, and many of them incongruous to each other; as the judges of the common pleas; being Councillers and some of them also justices of the Peace, which greviances appearing to me in the infancy of my government, as I may presume to say, did require an imediate alteration, by constituting judges not Councillers, and supplying the place of Justices, in the room of the Councillers, who before acted in a triple capacity *etc.* I have appointed Coll. William Outterbridge Cheife Justice, whose abilitys and good intentions, to promote peace and neighbourly concord, are well known throughout the whole country, *etc.* *Refers* to a letter he has written to Mr. Delafaye. *v.* 30th Nov. *Signed,* John Pitt. Feb. 14th. 1 *p.* [*C.O.* 37, 29. *No.* 1.]

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Nov. 1.
St. James's.

439. Order of King in Council. Ordered, upon a memorial from the Lords Commissioners of the Admiralty, that warrants be prepared for commissions to pass under the Great Seal for trying all such pyrates, as are, or shall be taken in any of H.M. Plantations, according to the sevll. acts of Parliament in that behalf. The Lords Commissioners for Trade and Plantations are forthwith to present to H.M. at this Board, the names of such persons as they shall think proper for executing the said Commissions, and which of the Plantations may be fitly comprehended within each Commission; and likewise whatever they shall think necessary for the effectual performance of the said Commissions. *Signed,* Temple Stanyan. *Endorsed,* Recd. 1st, Read 6th Nov., 1728. 1 *p.* [*C.O.* 323, 8. *No.* 93.]

Nov. 1.

440. Governor Philipps to the Duke of Newcastle. *In reply to orders of* 18th Nov. encloses copies of his proceedings with the Lt. Gov. and Garrison of Placentia in relation to the Fishery, "which will I hope be found plain evidence, that the orders I gave were literally agreeable with my Instructions, and not such as that gentleman falsly alledg'd to excuse his appearance, when call'd to be examined, for it will appear demonstrably that upon that occasion in his answer to Lord Vere he must have wrested the words of the order (which forbid his medling with the Fishery in any manner whatsoever) to colour his refusal to appear at that Court which he was conscious wou'd enquire into facts that he cou'd not justify" *etc. Has no knowledge of the facts except by common report,* no complaint having been made to him *etc. Continues:*—Nevertheless being jealous of the Lieut. Governour's conduct, in that particular from what had been reported, I gave a deputation to the Major of the Regiment to go to Placentia and to enquire into the state of the affairs between the Garrison and the Fishery, which happen'd at the time when Lord Muskery was in the Harbour to whom the said Commission was communicated, when the planters and masters of vessells being call'd together according to my directions, and the Articles of Enquiry read to them (the Lieut. Govr. present) they were all silent, but whether thro' fear or the want of just reason of complaint I cannot determine *etc.* Upon the delivering up of Placentia the French proprietors had leave to dispose of their effects, which the former Lieut. Govr. pretended to have bought, and when recd. convey'd his right to the present Lieut. Govr., by which he now claims those beaches and fishing rooms, whether this be not a breach of orders in both is submitted to H.M. It is to be wish'd that as the disposition of that garrison has been so much chang'd since the establishment was made for a Lieut. Govr. as to be reduc'd from five companys to one (which is not a proper command for such an officer), that the Lieut. Govr. might be remov'd to Canso where the other four companys

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are posted, or otherwise dispos'd of as H.M. shall think fit, by which removal the Fishery at Placentia will be freed from any future disturbance. *Signed*, R. Philipps. 3 *pp.* *Enclosed*,

440. i. Copies of Governor Philipps' orders to Lt. Govr. Gledhill, 4th May, 1720, and 18th July, 1722, and commission to Major Cosby, 18th July, 1722, to hold an enquiry *etc.*, referred to in preceding. 4 *pp.* [*C.O.* 217, 38. *Nos.* 21, 21 i.]

Nov. 4. N. Providence

441. Governor Phenney to the Council of Trade and Plantations. *Acknowledges* letter of 31st Aug. 1727, and thanks for their recommendation for stores of war mentioned in letter of 15th May. *Continues*:—Walpole Fort which I am building at the East entrance of the harbour I hope will be finish'd with God's blessing in about six months, but I shall not be able to mount any cannon till I get a supply of carriages. By a letter from the Assiento Factor at the Havana I am inform'd that on the 9th Sept. the Spaniards publish'd a truce for seven years establishing the Assiento according to it's contract, and hope our small vessels may reap the benefit of these islands, with more security than they have done for some time past. P.S. By the *Guardland*, Capt. Anson. The Naval Officer being out of the way, I am oblig'd to defer the last quarter's Customhouse papers *etc.* *Signed*, G. Phenney. *Endorsed*, Recd. 16th Feb., Read 1st May, 1729. 2 *pp.* [*C.O.* 23, 2. *ff.* 186, 186*v.*, 187*v.*]

Nov. 4. N. Providence.

442. Governor Phenney to the Duke of Newcastle. *Signed*, G. Phenney. 1½ *pp.* *Enclosed*,

442, i, ii. List of ships entered and cleared at N. Providence, 24th March—25th June, 1728. Inwards, 6; Outwards, 8 (with rum, fruit, turtle and whale oil), to S. Carolina (4), N. York (1). Bermuda (2), Jamaica (1). *Signed*, Jno. Warner, Naval Officer. 4 *pp.*

442. iii. Answers to Queries of the Board of Trade, 1728. As before. Negroes imported, 1728, 6. 9¾ *pp.* [*C.O.* 23, 14. *ff.* 60, 60*v.*, 61*v.*, 62*v.*, 63, 64*v.*, 65, 66–70*v.*]

Nov. 6. St. James's

443. Order of King in Council. Approving representation No. 449, and ordering the names of persons contained in said report to be inserted in the commissions for trying pirates, with a specification of the particular Plantations represented by the said report as proper to be comprehended in each commission. *Signed*, Temple Stanyan. *Endorsed*, Recd. 13th, Read 20th Nov., 1728. 1 *p.* [*C.O.* 323, 8. *No.* 95.]

Nov. 6. St. James's.

444. Order of King in Council. Referring following to the Council of Trade and Plantations, who are "to consider thereof, and lay before H.M. such methods as will be most effectual to

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prevent the destruction of the woods in those parts and also their opinion of the necessity and utility of building a fort at Casco Bay as is proposed." *Signed*, Temple Stanyan. *Endorsed*, Recd. 9th, Read 26th Nov., 1728. $1\frac{1}{4}$ *pp*. *Enclosed*,

444. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. Admiralty Office. 4th Oct. 1728. *Enclose* following, "that you may be informed of the great difficulties found in procuring masts in those parts for the use of the Navy, occasioned by the want of due care to preserve the woods" *etc*. *Signed*, Jo. Cockburn, Jno. Norris, Cha. Wager. *Copy*. 1 *p*.

444. ii. Commissioners of the Navy to Mr. Burchett. Navy Office. 2nd Oct., 1728. Enclose following. 5 *signatures*. *Copy*. 1 *p*.

444. iii. Ralph Gulston, Contractor for supplying H.M. Navy with New England masts, to the Commissioners of the Navy. 2nd Oct., 1728. *Represents that* it being impracticable to get masts in New Hampshire by reason of the great waste of white pine trees of late years, he was obliged to send a number of men, cattle, and materials along the coast further eastward to procure them; but that, for want of a fort at Casco Bay to protect his people, they are very much exposed to the Indians, who have already once annoyed and driven them from their work *etc*. Apprehension of the Indians is the chief occasion of that part of the country being so thin peopled *etc*. A fort would encourage inhabitants and not cost more than £500 sterl. *etc*. *Copy*. $1\frac{1}{2}$ *pp*. [*C.O.* 5, 870. *ff*. 127–128, 129, 130, 130*v*., 134*v*.]

Nov. 6. St. James's. **445.** Order of King in Council. Referring to Committee representation of 23rd Oct. and draft of excise bill of Barbados. *Signed*, Temple Stanyan. *Endorsed*, Recd. 12th, Read 20th Nov. 1728. $\frac{3}{4}$ *p*. [*C.O.* 28, 20. *ff*. 72, 73*v*.]

Nov. 6. Virginia. **446.** Lt. Governor Gooch to the Council of Trade and Plantations. The time being now expired wherein his late Majesty was pleased to exempt the inhabitants of the two frontier Counties of Brunswick and Spotsilvania from the payment of quit rents; there appear very great difficulties in forming the rent roll of those counties occasioned by some former resolutions in the time of Governor Drysdale's administration, and upon which no positive directions have yet been received from your Lordships. For I find in the Minutes of Council of the 23rd of Aprill 1724 an order to the Officers of the Revenue not to demand either the rights or quit rents for lands granted in those counties from their first erection to that time, lest the acceptance of such payments should be construed

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an allowance and approbation of some large grants of land, which were then judged to be made contrary to H.M. intentions. According to this resolution I find that the officers of the Revenue have hitherto made no demand of the quit rents for any of those great tracts of land, which have been held by the patentees for six or seven years past, and that they have even thought themselves obliged to refuse the quit rents of such lands when tendered by the present possessors; to which they have been the rather determined by a paragraph in your Lordships letter to Mr. Drysdale of the 30th of June 1726, wherein your Lordships are pleased to intimate that as Col. Spotswood had petitioned H.M. upon the subject of those grants, you were willing to wait some time before you signified your thoughts upon that matter. This being the last intimation received from your Lordships on this subject, I thought fit, taking the advice of the Council, to wait your Lordships further pleasure before any demand be made for those quit rents. I shal not take upon me to offer my own sentiments in an affair which has been so long under the consideration of your Lordships, and wherein I understand the King's Council have been consulted in point of law; But I shal beg leave to say that tho' the persons who first took up those large tracts of land upon the supposition that the King would grant all that the Assembly petitioned for, were in the wrong to proceed so far without H.M. approbation; yet I am credibly informed that without taking up those large tracts upon which great improvements were necessary to be made, those counties would not have been settled so speedily as they have been, and much of that land which has been seated in small parcells would in all probability have remained to this day desolate, as may be seen in the County of Brunswick, which having but few great tracts of land taken up in it by men of substance, hath advanced very little in the number of its inhabitants in proportion to the other county Spotsilvania where the greatest tracts have been granted and possessed, and thereby given encouragement to the meaner sort of people to seat themselves as it were under the shade and protection of the greater. By this method of reasoning I am led to think that there is some favour due to those who have thus adventured to promote the settlement of those new frontiers: but whether H.M. will think fit to extend his bounty to them in easing them of paying for their rights, which still remain unsatisfied, or in any other exemption in respect to their quit rents must depend on what your Lordships shall think proper to represent to H.M. in their favour: though I must beg leave to offer my opinion, that the discharging them from the payment of the rights would be the most reasonable, as it puts them on the equal foot with the rest of the inhabitants of those counties who have lesser portions of land; and the payment of their quit rents only from the time of their grants would ballance the advantage they have had over others in taking up those great tracts, when these have been confined to one thousand acres exempt from both payments. There is one consideration more which weighs much with me and makes me wish that some indulgence may be allowed in the matter of the rights, and that is, to prevent abundance of law suits which will arise on the bonds taken for those rights, which however they may be determined, cannot but create discontents and murmurings where so many people's interests are concerned. And if Col. Spotswood in regard to the great expence he has been at on his settlement, and the misfortunes attending his undertakings ever since, has the good luck to receive any particular mark of H.M. favour, your Lordships will give me leave to hope that the same bounty will be extended to the other patentees, who have also laid out considerable sums in seating and improving their several tracts. I have to add that whatever H.M. pleasure may be in this matter, I beg of your Lordships a speedy signification thereof, that the officers of the Revenue may no longer remain in suspence, and that the people may know what they have to expect. I shal not trouble your Lordships with any other affairs relating to this Government, until I have an opportunity to send the Journals of the Council, this being intended for an outport ship, and I presume but an uncertain conveyance. *Signed*, William Gooch. *Endorsed*, Recd. 2nd April, Read 16th May, 1729. *Holograph.* 2½ *pp.* [*C.O.* 5, 1321. *ff.* 106–107*v.*]

Nov. 6. St. James's. **447.** Order of King in Council. Approving representation of Board of Trade, and ordering that a draught of a publick seal for Nova Scotia be prepared *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 14th, Read 26th Nov., 1728. ¾ *p.* [*C.O.* 217, 5. *ff.* 95, 96*v.*]

Nov. 6. St. James's. **448.** Order of King in Council. Approving draught of additional Instruction for Governor Hunter, concerning Col. Lilly's salary. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 13th Nov., 1728. ¾ *p.* [*C.O.* 137, 17. *ff.* 80, 81*v.*]

Nov. 6. Whitehall. **449.** Council of Trade and Plantations to the King. In obedience to Order of 1st Nov., *present* names of persons in the several Colonies proper to be inserted in the new Commission for trying pirates in the Plantations. *Printed*, N. J. Archives, 1st ser. V, 196. [*C.O.* 324, 11. *pp.* 111–133.]

Nov. 6. Whitehall. **450.** *Same* to the Duke of Newcastle. *Enclose* extract of Governor Worsley's letter, 20th July, with Capt. Morris' deposition, relating to the capture of a merchant ship by a Spanish privateer since the cessation of arms, in order to their being laid before H.M. *Enclose* list of losses suffered by H.M.

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subjects from the Spaniards, "which have come to our hands since our Representation of June 20th. *Autograph signatures.* 1 *p.* *Enclosed,*

450. i. Extract from Governor Worsley's letter, 20th July.

450. ii, iii. Depositions as to seizure of the *Dolphin.* Copies of 20th July enc. i, ii. [*C.O.* 28, 39. *Nos.* 47, 47 i, ii ; *and* 389, 28. *pp.* 363–365 ; *and* (*without enclosures*) 29, 15. *p.* 104.]

Nov. 6. St. James's. **451.** Order of Lords Justices in Council. Repealing Act of New York *for preventing prosecutions by informations,* in accordance with representation of Board of Trade. *Signed,* Temple Stanyan. *Endorsed,* Recd., Read 13th Nov, 1728. 1½ *pp.* [*C.O.* 5, 1054. *ff.* 290, 290*v.*, 291*v.*]

Nov. 7. Jam. **452.** Governor Hunter to Mr. Stanyan. *Abstract.* "I have not had the pleasure of any of your commands tho' I have begg'd hard for them" *etc.* The Assembly, further prorogu'd to 22nd Jan., will, he has reason to believe, "meet in better temper, having had time to chew upon that sugar bill wh. inflam'd them." Wishes the Lords of Trade would send their opinion on that bill, for the blame for not passing it lies on him, "tho' I offer'd in Council the amendt. of inserting ye clause suspending the executn. of it till H.M. pleasure were known, but that small part of ye Council (being in number five only) would not accept of that and pass'd the bill in haste, tho' desir'd by one of that number to putt off the matter till Tuesday when there would be a fuller Council. Our new settlement goes on at Port Antonio with successe, a great many family's are already there, and if the explanatory act wch. I sent home were once approv'd, I really believe it will be in a few years the best in this Island. I beg of you to know what to do in Mr. Coleman's affair" *etc.*

P.S. The Spanish privateers continue to infest and rob us, and are like to do so let it be peace or war. *Signed,* Ro. Hunter. *Endorsed,* Rd. Jan. 14th. *Holograph.* 2 *pp.* [*C.O.* 137, 53. *ff.* 90, 90*v.*, 91*v.*]

Nov. 8. Barbadoes. **453.** Governor Worsley to the Duke of Newcastle. I design to lay before the Assembly, prorogued to the 12th [*sic*] instant (*v.* Oct. 12 and 28) H.M. 21st and 22nd Instructions, relating to the adjournment and the Speaker of Assembly *etc.* *Encloses* Act *to reduce the rate of interest.* *Continues* :—It passed the Assembly nemine contradicente as it did also the Council ; as it was so popular a bill, and as they are best judges of their own circumstances, I gave my consent to it. But I can't help making one observation, that considering there can be no greater reason for the reducing of interest, than the plenty of money, I am surprised to find them assert in their answer to the Counsellors' reasons for the amendments to the Excise bill, that the publick annual levy did once in every year amass all the publick cash together into my coffers, and upon this head, I beg leave further to observe to your Grace that upon my arrival here, the Island was in debt £30,935 8*s.* 10½*d.*, as appears by an estimate of the publick debts delivered to me at my first arrival by the Committee of publick accounts *etc.*, and yet this great debt has been almost paid off, besides the payment of the annual expence of the Island, and if Excise bill for this year had been continued in the usual way, this Island would have had, by this time twelve months by computation, all their debts paid, and £2000 in cash. *Encloses* Act *for the encouragement of William Ramsden, Esq. in his new improvement of cattle mills for grinding sugar canes. Continues :*—As I am obliged to issue out a new Commission of the Peace, that the Assembly may not say that I exasperate, maletrate, insult and abuse them, as they set forth in their petition *etc.*, I design not to leave out of the said Commission any of the Gentlemen of the Assembly who are now in Commission, notwithstanding their late conduct towards me, as well as to the Council, in that they have refer'd the dispute betwixt the Council and them to H.M. for his determination, when I beg your Grace I may have the honor of H.M. commands, whether such Gentlemen may be employed in the Government. In relation to the extraordinary summs the Assembly in their answer to the Counsellrs. reasons against the Excise bill pretend to say I have allowed the Storekeepers for flags, I have enclosed to your Grace a copy of the former Storekeepers disbursements before my arrival here, by which your Grace will see that flaggs have been charged at the same, or greater prices, before my arrival, *etc.* As I had granted orders for the inclosed disbursements of Collo. Leslies, I have had them reexamined in a full Council, article by article, for which he produced vouchers, and after the examination of them, I told the Council, that if they thought it just to cut off any part of the said disbursements, I would give my consent to it, and I asked every member of the Council, one by one, their opinions, and they all agreed unanimously to the accounts ; *etc. Repeats part of* 13*th Sept. Encloses* "the two last days Minutes of the Assembly of the 10th and 14th of September last, by which your Grace will see, that they continued to adjourn themselves without my leave for upwards of three weeks, tho' at the same time, had I adjourned or prorogued them so long, probably they might have made it a handle of complaint against me." *Signed,* Henry Worsley. *Endorsed,* Rd. Jan. 19th. 7 *pp. Enclosed,*

453. i—iv. Account of disbursements for the Magazine, 1721–1723, 1726, 1727. *Copies.* 4 *pp.* [*C.O.* 28, 44. *Nos.* 129, 129 i—iv.]

1728.
Nov. 8.
Barbado's.

454. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, Henry Worsley. *Endorsed*, Recd. 16th Jan., Read 20th May, 1729. 6 *pp*. *Enclosed*,

454. i. Journal of Assembly of Barbados, 10th and 14th Sept., 1728. *Copy*. *Signed*, Robt. Warren, Cl. 2 *pp*.

454. ii–v. Duplicates of N*os*. 453 i–iv. *Endorsed*, Recd. 16th Jan., $172\frac{8}{9}$. 6 *pp*. [*C.O.*, 28, 20. *ff*. 107—109*v*., 110*v*.—114, 115, 116, 117, 122*v*.]

Nov. 9.
Jamaica.

455. Governor Hunter to the Council of Trade and Plantations. Little of moment has occurred since his letter of Aug. 24th. *Continues* :—Our Assembly, *etc*. (*v*. Aug. 5th) is by the unanimous advice and opinion of the Council here further prorogued to the 22nd of January next, when the Members may, with less detriment to their own private interests, attend the publick service and perhaps by that time may have cooler thoughts as to their Sugar Bill, which they had so much at heart and set them all on fire. I the more readily consented to this prorogation because the additional duty and deficiency bills, which latter provided for the soldiers, do not expire till 28th of March and by this prorogation the Assemblies will be brought again to the usual time of year of meeting. *Again urges the* confirmation of the Act for settling Port Antonio (*v. 5th Aug.*). *Continues* :—For as that settlement will very much add to the strength and security of that part of the Island not only against a foreign enemy but also against the rebellious negroes, so it would be a great discouragement to the new settlers there, who are now going on vigorously upon the faith of that Act, to have the same rejected. No encouragement that I have been able to give them has been wanting. I have already sent thither six pieces of ordnance with all necessary stores and when our Engineer Colo. Lilly arrives (whom I daily expect) I propose to visit that part of the Island. The countrey in general as to the planting interest is in a flourishing condition, the seasons lately having been better than for many years past. Our trade lyes still under the hardpps. of being daily molested by the Spanish privateers. I hope some remedy or expedient may be found out to prevent so great a grievance. The Spanish men of warr which were sent to bring home their money saild from Cartagena to the Havana very richly laden about the latter end of Sept., *etc*. They were to make but a short stay at the Havana, so probably they may get home by the time this comes to your Lordpps. hands, *etc*. *Signed*, Ro. Hunter. *Endorsed*, Recd. 13th Jan., Read 25th Feb., $172\frac{8}{9}$. 3 *pp*. [*C.O.* 137, 17. *ff*. 133–134*v*.]

Nov. 9.
Jamaica.

456. *Same* to the Duke of Newcastle. Repeats preceding. *Signed*, Ro. Hunter. *Endorsed*, Recd. 15th. $2\frac{3}{4}$ *pp*. [*C.O.* 137, 53. *ff*. 92–93*v*.]

1728.
Nov. 11.
Bermuda,
St. George's.

457. Lt. Governor Pitt to the Council of Trade and Plantations. I arrived 2nd Sept., *etc.* I found the country much damnified by violent storme and hurricane which happened in the foregoing months, very much dammageing the buildings as well publick as private, and allso destroying the provitions of potatoes and Indian corn, the cheif support of this country, and many vessells have been cast away, others returning by stress of weather without arriving at their intended ports, much ruined and disabled which has occationed Indian corne to rise to seven shillings pr. bushell and wheat, flower and bread proportionable *etc.* Persuant to H.M. Instructions I was obliged to inspect into the administration of Justice, which I found much retarded by a multiplicity of delays; as in the first place Members of the Councill being made Judges of Assize and Common Pleas, whereby the number of the Councill where lessoned, that very often they could not sitt to hear causes; appeals being brought from them to that Court, and other reasons that might be assigned if not to long at present to be incerted. Secondly, that five of the nine parishes for want of a sufficient provision of Justices, where supplyed by the Counsellor of the same Tribe or parish, so that writts of error and other appeals that might be returned up from the Quarterly Sessions of the Peace or in their capacity of holding inferiour Courts for the tryall of small debts, and damages of 40*s.* and under, wou'd in the same manner, as with regard to the Judges of Common Pleas, for want of numbers wholly incapacitate the Court of Chancery of a Quorum, so as to try causes brought before them, some causes as I have been informed haveing for seven years and upwards been detained there, without any finall decision. In persuance therefore of my Instructions I have constituted and appointed William Outerbridge Esq. to be Chief Justice of the Common Pleas, sometime since a Counciller but at present under the suspention of Collo. John Hope, yet a person of singular distinction and beloved in his country as Collo. Bennett will testify *etc.*, he being always ready to serve his neighbours by reconcileing differences, that too frequently do arise, and the other two Judges his Assistants, as well as himselfe, are Gentlemen of good estates and well recommended to me for their abilitys, good life and conversation. I have likewise taken care to supply the want of Justices in the severall parishes with such Gentlemen as are the most capable for that office and are either by the nomination or aprobation of H.M. Councill here; and none of them save only one by Commission have I removed, *etc.* I have by my precepts directed, as usual to the Justices, ordered the election of Assembly 18th Nov. *etc.* *Signed,* John Pitt. *Endorsed,* Recd. 29th May, Read 3rd June, 1729. 1¾ *pp.* [*C.O.* 37, 12. *ff.* 32, 33, 33*v.*; *and* (abstract) 37, 24. *p.* 29.]

1728.
Nov. 13.
Whitehall.

458. Mr. Popple to Mr. Fane. *Encloses,* for his opinion in point of law, 12 Acts of New Jersey, 1728, *enumerated.* [*C.O.* 5, 996. *pp.* 250–253.]

Nov. 13.

459. Benjamin Whitaker to the Council of Trade and Plantations. As Attorney General of South Carolina, submits enclosed Articles, " of which I can produce the most full and authentic proofs, if enabled by an order to examine persons and send for papers. I need not represent to your Lordships the dreadfull events that H.M. subjects in Carolina have to fear from a state of anarchy and confusion to which they are now very near reduc'd and how unable they are to defend themselves against the enemies that surround them, whilst they are under a Government so languishing unsteady and supine " *etc.* *Signed,* Benja. Whitaker. *Endorsed,* Recd., Read 19th Nov., 1728. 1 *p.* *Enclosed.*

459. i. Articles relating to the conduct of Arthur Middleton, President of South Carolina. (i) He has neglected to take the oaths for observing the Acts of Trade *etc.,* whereby H.M. Revenue hath greatly suffered. (ii) A few months after entering on the administration of the Government, he sold several offices relating to the administration of Justice and used many indirect artifices to extort money from the purchasors. (iii) Contrary to the express orders of his late Majesty, he issued £30,000 in paper bills of credit (which by law ought to have been sunk) whereby the vallue of the said bills are greatly lessened, and the trading people of Great Britain much injured. (iv) To the great grief and disappointment of all H.M. good subjects in S. Carolina, he delayed proclaiming H.M. happy accession 14 days after he had received orders for that purpose. (v) When H.M. Council in June, 1727, had directed warrants to the Provost Marshall to apprehend several riotous persons (who had come arm'd to Charles Town, the seat of Government) and had intruded with pistolls into the Councill Chamber and delivered a seditious representation, Mr. Middleton privately and without the advice or consent of H.M. Councell ordered the Provost Marshal to stop the execution of the said warrants. (vi) When the Honble. Alexander Skeen Esq. one of the Members of Council had committed to prison one Thomas Smith for assembling together severall arm'd person in a riotous tumultuous and unlawfull manner and confederating with his father Landgrave Thomas Smith by force of arms to wrest the Government out of the hands of Mr. Middleton, he ordered Smith to be discharged without hearing, in pursuance of a promise

1728.

he made to an Assembly of about 200 rioters with whom he so farr prostituted the dignity of Government and H.M. authority as to treat capitulate and make terms, notwithstanding there was two of H.M. ships of war, H.M. Independant Company of Foot, all H.M. Officers in the Government and many other good subjects who offered and were ready to assist him on the insurrection of the rioters. (vii) When proof was made before him in Councill that a number of armed men were assembled together with their faces black'd and disguised in order to kill the Provost Marshall who had warrants against them for levying the publick taxes raised for the support of H.M. Government, he ordered the Treasurer to withdraw the warrants against the said persons and not to suffer them to be executed. (viii) He hath committed diverse other acts highly injurious to H.M. prerogative and tending to the lessening the authority of his government *etc.* 1¼ *pp.* [*C.O.* 5, 360. *ff.* 76, 77*v.*–78*v.*, 79*v.*]

Nov. 13.
Whitehall.
460. Mr. Popple to Mr. Fane. *Encloses*, for his opinion in point of law, 2 Acts of Antigua, 1728, (i) *for laying a duty of powder and money on all vessels trading to and from this Island, for the defence of this Island etc.* and (ii) *for raising a tax for paying publick debts and charges, and particularly applying the said tax.* [*C.O.* 153, 14. *p.* 405.]

Nov. 13.
Whitehall.
461. *Same* to the Mayors of Bristol, Dartmouth, Barnstable, Biddeford, Poole, Exeter, Plymouth, Weymouth, Liverpool. The Council of Trade and Plantations having under their consideration several papers relating to the trade and fishery of Newfoundland, desire you will consult the several merchants and others of ————, therein concern'd, and let me have your thoughts whether anything, and what may be done for the further encouragement thereof. [*C.O.* 195, 7. *pp.* 155, 156.]

Nov. 14.
Whitehall.
462. Council of Trade and Plantations to the King. Mr. Pusey, one of your Majesty's Council of Jamaica, having been several years absent and at present in jayl, whereby he is rendered unfit to serve your Majty. in that station, *recommend* Alex. Forbes Esq. to serve in his room *etc.* [*C.O.* 138, 17. *p.* 256].

Nov. 14.
Whitehall.
463. *Same to Same.* Propose James de Lancey for Council of New York in place of Mr. Barbarie, decd. [*C.O.* 5, 1125. *p.* 121].

1728.
Nov. 14.
Whitehall.

464. *Same to Same. Recommend* that Flag Officers and Commanders in Chief in the Plantations be inserted in the Commissions for trying pirates (Nov. 6), as requested by the Admiralty. [*C.O.* 324, 11. *pp.* 133, 134.]

Nov. 14.

465. Petition of James Smith to the Council of Trade and Plantations. Three Acts of New Jersey, *for shortening lawsuits, regulating the practice of the law* and *recording deeds* were disallowed in 1721 as laying petitioners' office under some hardships. But in 1727 Governour Burnet, for £600 given to him by the Assembly, under the name of incidental charges, did re-enact the aforesaid laws, and caused a new ordinance to be made in which the fees only of the Secretary are reduced to very near to what they were when first complained of. Upon some objections made in Council about re-enacting these laws, on account of the 37th Instruction, the Assembly voted to the Secretary £25 a year in consideration of the loss his Office would sustain thereby, which he is sure will be more than £60. After opposing it in Council as much as he could, Memorialist was obliged to accept this or get nothing. *Prays for redress. Signed,* James Smith. *Endorsed,* Recd. (from Mr. Docminique), Read 14th Nov., 1728. 1 *p.* [*C.O.* 5, 972. *ff.* 170, 170*v.*]

Nov. 19.
Whitehall.

466. Order of Committee of Privy Council. The Lords of the Committee having before them some reports from the Lords Commissioners for Trade *etc.* upon the woods in America and naval stores *etc.*, thought it proper, before they entred into the consideration thereof to be informed, whether any projects for promoting the silk, linnen or woollen manufactures in any of H.M. Plantations, have been at any time carried on, or are now carrying on, and to what degree of perfection the same may have been brought ; and to that end their Lordships are hereby pleased to order, that the Lords Commissioners for Trade *etc.* do lay before this Committee as soon as conveniently may be the best informations they can procure in relation thereto. *Signed,* Temple Stanyan. *Endorsed,* Recd. 21st, Read 26th Nov., 1728. 1 *p.* [*C.O.* 323, 8. *No.* 98.]

Nov. 20.
Whitehall.

467. Mr. Popple to Mr. Whitaker, Attorney General, S. Carolina. My Lords Commissioners having received a letter from you, with some articles in relation to the conduct of Mr. Middleton *etc.*, are very much surprised at your having sent a paper of that consequence, without giving the Board an opportunity of discoursing with you thereupon, before you left London. Your letter was dated the 13th instant, but not received till yesterday, when I was informed that you went out of Town, the very day you wrote your letter, for Bristol, to imbark for Carolina. [*C.O.* 5, 400. *p.* 241.]

1728.
Nov. 20.
Whitehall.

468. Council of Trade and Plantations to Governor Montgomerie. *Acknowledge* letters of 30th May and 13th Aug. and *acquaint him* with their proceedings. *Continue* :—We have considered Mr. Burnet's reasons for having given his assent to the Act (*of New Jersey*) *for appropriating a part of the interest etc. to the incidental charges of the Government etc.*, but we can by no means agree with him that the interest arising from thence, having been detain'd in order to answer any deficiency which might have happen'd, has given no credit to these bills supposing even that this was a fact. We can't imagine how Mr. Burnet can justify his having given his assent to any Act for applying the said interest mony without a clause for preventing the said Acts taking place till H.M. pleasure could be known thereupon or at least without having consulted us after having received a letter wherein we so sufficiently explained our thoughts upon this subject. We find by the last clause of this Act, that the interest mony, as the same shall rise, is made applicable to such uses, as the Governor, Council and Assembly shall direct, so that should this Act remain unrepealed, till the Act for creating paper mony expires, and any deficiency should happen, a tax must then inevitably be laid upon that county where such deficiency shall happen, to make good the same, but if none should happen, the interest arising from these bills will be so much clear gain to the Province. We therefore desire, you will move the Assembly to pass an Act for repealing this last clause, and if they don't think proper immediatly to comply therewith, we will lay this Act before H.M. for his disallowance. We are the more determin'd upon this point, because the gain which will accrue to the Province, cannot arrise till the paper mony Act shall expire, and therefore, the interest already paid in by the borrowers, having been applied to different uses than that to which it was originally design'd, has prevented the sinking the same value of paper bills, as that interest would have amounted to. Upon this head we shall expect to hear from you as soon as possible *etc.* *Set out*, N.Y. Col. Docs. V. *pp.* 870, 871. [*C.O.* 5, 1125. *pp.* 120–125.]

Nov. 20.
Whitehall.

469. Mr. Popple to Governor Hunter. *Acknowledges* letters of the 4th, 16th and 19th May, 29th June, 3rd and 5th Aug., *etc.* *Continues* :—As the Acts enclosed are now with Mr. Fane, my Lords Commrs. have deferred writing to you till they shall have received his report *etc.* They have recommended Mr. Forbes to be of the Council as you have desired. Upon this occasion I must observe to you that the Board have ever thought themselves by virtue of the Commission the proper persons to judge of the qualifications of those who are recommended to be of any of H.M. Councils in America ; and therefore you will do well for the future to make your application to them : It is true that persons have sometimes been propos'd to a Secry. of State in order to their being appointed Councillors, but the Board's opinion has ever been asked, and none has been named but upon their recommendation. This I don't tell you by order of the Board but I thought it might be of service to you to receive this private information *etc.* In relation to the bill for making the goods of the produce of the country, a lawfull tender for the payment of debts (*v.* 5th Aug.), their Lordships think you did very well to refuse your consent thereto, as in doing otherways you would have acted directly contrary to your 19th Instruction : This bill being of a very extraordinary nature, and against which there appear many reasonable objections. I have mentioned to their Lordships what you propose in your letter to me, 3rd Aug., as a means to make this sugar bill tolerably just vizt. " That the debtor ship the sugars at his own cost and risque, and draw upon them at a certainty pr. cent., and altho' their Lordships should be of opinion with you that the creditor will thereby be in a better state than by the bill, yet if H.M. should be inclined to allow of this bill with your addition, the Assembly will not in this case be permitted to make any alteration after H.M. shall have approved thereof; And as it does not appear to the Board that either the Council or Assembly are appriz'd of your proposed addition, it may possibly happen that they may not agree thereto; My Lords Commrs. are therefore of opinion that if the Assembly should again revive this Bill, that you should propose to them this amendment but in all cases not to give your assent to an Act of this nature, without inserting a clause for suspending it's taking effect, until H.M. pleasure shall be known thereon. *Informs him of* additional Instruction as to Col. Lilly's salary. [*C.O.* 138, 17. *pp.* 256–259.]

Nov. 23. St. James's. **470.** Order of King in Council. Warrants are to be prepared for renewing commissions to Governors to try pirates *etc.* (*v.* A.P.C. III. *No.* 158). *Signed,* Temple Stanyan. *Endorsed,* Recd. 3rd, Read 15th Jan., 172$\frac{8}{9}$. 2 *pp.* [*C.O.* 152, 16. *ff.* 373, 373*v.*, 374*v.*]

Nov. 23. St. James's. **471.** Order of King in Council. Repealing Act of Antigua *for constituting a Court to hold plea of foreign attachments according to the custom of the City of London. Signed and endorsed as preceding.* $1\frac{2}{3}$ *pp.* [*C.O.* 152, 16. *ff.* 375, 375*v.*, 376*v.*]

Nov. 23. St. James's. **472.** Order of King in Council. Confirming Act of Antigua *for the better securing and confirming the titles of George Thomas to certain lands and negroes. Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 152, 16. *ff.* 377, 377*v.*, 378*v.*]

1728.
Nov. 23.
St. James's.

473. Order of King in Council. Appointing James de Lancey to the Council of New York, as recommended 14th Nov. *Signed*, Temple Stanyan. *Endorsed*, Recd. 3rd, Read 15th Jan., 1728. 1 *p.* [*C.O.* 5, 1054. *ff.* 303, 304*v.*; *and* (*signed*, Ja. Vernon) 5, 1086. *No.* 3.]

Nov. 23.
N. Providence.

474. Governor Phenney to the Council of Trade and Plantations. Encloses Minute of Council and Custom house papers mentioned 4th Nov. *Signed*, G. Phenney. *Endorsed*, Recd. 12th Feb., Read 1st May, 1729. 1 *p.* [*C.O.* 23, 2. *ff.* 188, 189*v.*]

Nov. 23.

475. Memorandum of Order of King in Council relating to the renewal of Commissions for trying pirates in America and the necessary alterations therein. *Endorsed*, Read 15th Jan., 1728–9. ½ *p.* [*C.O.* 323, 8. *No.* 103.]

Nov. 23.
N. Providence.

476. Governor Phenney to the Duke of Newcastle. Encloses following, on which he desires directions. *Signed*, G. Phenney. *Endorsed*, Rd. Feb. 12th. 1 *p.* *Enclosed*,

476. i. Minutes of Council of the Bahama Islands, 18th Nov., 1728. The petition of William Fairfax, appointed Deputy Receiver of Admiralty dues 13th April, 1728, was read, complaining that Peter Goudet, Agent for the Bahama Society, Lessees of the Lords Proprietors, refused to surrender the perquisites of Admiralty received by him for account of the said Lessees. Mr. Goudet replied, maintaining the right of the Lessees under the assignment of the Charter by the Lords Proprietors. Mr. Goudet was directed to give security, whilst the matter was referred home *etc.* *Copy.* *Signed*, W. Fairfax Clk. Council. 3⅔ *pp.*

476. ii., iii. List of ships entered and cleared New Providence, 25th June—29th Sept., 1728, 4 inwards and 8 outwards, with cargoes of fruit, turtle and flour for S. Carolina (5), Jamaica (1), N. England (1), and Antigua. (Madeira and mahogany) (1). *Signed*, Jno. Warner, N.O. 3 *pp.* [*C.O.* 23, 14. *ff.* 53, 54*v.*–56*v.*, 57*v.*, 58, 59.]

Nov. 23.
Bristol.

477. Mr. Whitaker to Mr. Popple. In reply to letter of 20th Nov., *explains* that he was unable to attend the Board when in London owing to illness and was hurriedly recalled to Carolina by the news that the hurricane had proved very prejudicial to his private affairs, *etc.* Refers to charges against Mr. Middleton (*v.* 13th Nov.). The facts are notoriously known in the Province *etc.* *Signed*, Benja. Whitaker. *Endorsed*, Recd. 25th, Read 26th Nov., 1728. 1½ *pp.* [*C.O.* 5, 360. *ff.* 80, 80*v.*, 81*v.*]

1728.
Nov. 23.
St. James's.

478. Order of King in Council. Disallowing draught of a bill prepared by the Assembly of Barbados, *for laying a duty on wines and other liquors imported, etc. for carrying on the fortifications and payment of persons employed at the publick charge etc.*, upon a report by the Committee that by some clauses therein inserted, the Assembly would deprive the Governor of the power given him by H.M., to sign warrants, for the issuing of moneys, without their approbation first particularly obtained for that purpose, contrary to the constant usage of that island and of all others H.M. Colonies, and derogatory to H.M. royal prerogative *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 3rd, Read 15th Jan., 172$\frac{8}{9}$. 2 *pp.* [*C.O.* 28, 20. *ff.* 76, 76*v.*, 77*v.*; *and* 5, 21. *ff.* 1–2.]

Nov. 26.
King road, near Bristol.

479. Mr. Whitaker to Mr. Popple. Reminds him that he asked for an order to examine persons and send for papers to prove his charges *etc.* (*v.* 13th Nov.). *Signed*, Benja. Whitaker. *Endorsed*, Recd. 30th Nov., Read 3rd Dec., 1728. 1 *p.* [*C.O.* 5, 360. *ff.* 82, 83*v.*]

Nov. 26.
Boston.

480. Mr. Willard to Mr. Popple. *Encloses* Minutes of the General Assembly in May with Acts then passed, Minutes of Council for six months ending August last, and Treasurer's General Account to May last. *Signed*, Josiah Willard. *Endorsed*, Recd., Read 4th Feb., 172$\frac{8}{9}$. $\frac{3}{4}$ *p.* [*C.O.* 5, 870. *ff.* 184, 185*v.*]

Nov. 26.
Whitehall.

481. Mr. Popple to Sir Wm. Keith. The Council of Trade and Plantations desire you will let them know on Friday morning, whether you have heard of any projects that have ever been form'd for promoting the silk, linnen or woollen manufactures in any of H.M. Plantations in America *etc.* N.B. A similar letter was writ to, Mr. Joshua Gee, Colo. Spotswood, Colo. Shute, and Colo. Johnson. [*C.O.* 324, 11. *pp.* 134, 135.]

Nov. 27.

482. Sir William Keith to Mr. Popple. *Reply to preceding. Continues*:—I know of no Company or Society of men, that have actually engaged in any project for carying on *such* manufactories *etc.* But I have heard that some few experiments have been made both for raising silk and working hemp up into sail cloth, with a view, as I suppose, to induce people to enter into some projects of that nature; and as to any manufactures of woolen, their Lordships very well know, that it is already prohibited by act of Parliament, from being either water born, or transported by land from one Colony to another, so that there is no room to form any considerable project of that kind; nor did I ever hear that woolen cloth has been made in any of the Plantations otherways, than that every farmer is by industry led to employ his spare time, in working up the wool of the few sheep he is obliged to keep on his farm, for the improvement of his land, for the use of his family ; and in like maner he often raises a smal quantity of flax, which is broke or dress'd, commonly in the winter season, and spun up into course cloth by the old women and children, for the same use. *Signed,* W. Keith. *Endorsed,* Recd. 27th, Read 29th Nov., 1728. *Holograph.* 1⅓ *pp.* [*C.O.* 323, 8. *No.* 100.]

Nov. 27.
Boston.

483. Jer. Dunbar to David Dunbar. *Announces* arrival a fortnight since. *Has sent* Mr. Armstrong and Mr. Slade into N. Hampshire and Maine to discover timber cut down and mark what they judge proper for H.M. service. The Governor promises his protection, but doubts whether the people will comply with the construction that the Attorney and Solicitor General put upon the Act of the 8th of his late Majesty. "However, he advises me to try it, that we may know what we may depend upon for the future, and I have for that purpose given Mr. Armstrong and Mr. Slade orders to seize any trees that they find cut down and come within our Instructions" *etc.* I have talked with Mr. Armstrong upon his letter of 29th Jan., last to Mr. Burniston in which he sayd he had seized 2000 logs *etc.* He says that while he was here in order to libell them, the people of the country toss'd them into the rivers and got them down to the mills, this may seem a little extraordinary, but I assure you he bears a very good character here, and is much esteemed by the best gentlemen in this town, every one of them that I have discoursed agree that the information made against him some time since was malitious and without any grounds, however you will be better able to judge when you come *etc.* I design to go into the woods with him this winter *etc.* *Signed,* Jer. Dunbar. *Endorsed,* Recd. 7th Jan. *Copy.* 2½ *pp.* [*C.O.* 5, 898. *No.* 49.]

Nov. 27.
Boston.

484. Governor Burnet to the Duke of Newcastle. *Encloses duplicate* of Oct. 26th. *Continues* :—Since which, I have sat with ye Assembly at Salem, but they have insisted on the Governour's having no power to adjourn them from Boston, which is a manifest contempt of His late Majesty's decision in Council in favour of Governour Shute upon this very point. *Refers to* enclosed copy of letter to Board of Trade. *Signed,* W. Burnet. *Endorsed,* R. 27th Jan. 1 *p.* *Enclosed,*

484. i. Duplicate of *following.* [*C.O.* 5, 898. *Nos.* 48, 48 i.]

Nov. 27.
Boston.

485. Governor Burnet to the Council of Trade and Plantations. *Encloses* Journal of Representatives *and repeats* preceding. *Continues* :—They have since prepared and agreed to an Address to H.M., which is to be transmitted now, but the contrivers of it have only read it to the House and obtain'd their approbation, without leaving any copy of it or letting the

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Clerk take one, and they are to get it fairly engrossed to be signed by the Speaker, and so sent home to Mr. Wilkes merchant in London to be presented without leaving any copy of it on their Journal; I am told it contains the substance of what they have said to me in their several answers and very strange invectives against Governours in general; and very absurd brags of their expences in receiveing me and adorning ye house I live in, as if these were reasons against fixing a salary. The performance will I am satisfied be a sufficient refutation of itself, and therefore I may safely rely on it as such, without troubling your Lordships further *etc.* *Signed,* W. Burnet. *Endorsed,* Recd. 27th Jan., Read 4th Feb., 172$\frac{8}{9}$. $2\frac{1}{3}$ *pp.*

485. i. Votes of House of Representatives of the Massachusetts Bay, Oct., Nov., 1728. *Same endorsement. Printed.* 3 *pp.*

485. ii. Treasurer General's accounts of the Province of the Massachusetts Bay, 1728. *Signed,* Jer. Allen. Passed by Committee of House of Representatives and by Lt. Governor and Council. *Same endorsement.* 25 *pp.* [*C.O.* 5, 870. *ff.* 164–181, 183*v.*]

Nov. 28. Admty Office. **486.** Mr. Burchett to Alured Popple. Upon Order in Council directing the Commissions for trying pirates in the Plantations to be renewed and passed under the seal of the High Court of Admiralty, requests the names of persons there whom the Council of Trade and Plantations propose to have inserted therein. *Signed,* J. Burchett. *Endorsed,* Recd., Read 28th Nov., 1728. $\frac{3}{4}$ *p.* [*C.O.* 323, 8. *No.* 99.]

Nov. 28. Barnstable. **487.** Mayor and principal inhabitants of Barnstaple to the Council of Trade and Plantations. Hearing that the affair of the Newfoundland Fishery is now under your Lordships' consideration, *repeat* complaints against Lt. Govr. Gledhill and refer to their petition to the King. *v.* C.S.P. Feb. 25th, 1727. *Continue*:—By the methods there indicated, and by destroying houses at Placentia or forcing persons to leave them and placing some of his own garrison in their room, we who formerly vended a considerable quantity of woollen goods *etc.* are now obliged to sell them to the Governor at what time and rate he pleases *etc.* Contrary to the Act of Wm. III. which prohibits any aliens or strangers, not residing within Great Britain, from fishing or trading to any part of Newfoundland, the Irish not only send ships thither, but also boatkeepers who go from Ireland and settle there, so that considering the cheapness of their provisions, and the small wages they give the sailers, must soon if not prevented intirely ruin our trade, our sailors having already advanc'd their wages to almost double what was paid them but very few years since. The Governour, Mr. Salmon, and some other persons have within these three or four years last past, built several ships, one this summer upwards of an hundred tunn, which if continued for the space of some years, will deprive us of proper trees to build our boates, and erect our stages and other conveniencies with, or will oblige us to send so far into the country, as that by the loss of our men's time our voyages will be intirely ruined. Considering how beneficial the trade of Newfoundland is as a nursery for seamen, employing great numbers of poor people, and importing products of this country *etc.*, *pray that* these greivances may be redressed *etc.* *Signed*, Richard Newell, Mayor, *and* 9 *others*. *Endorsed*, Read 19th Dec., 1728. 1¾ *large pp. Enclosed*,

487. i. Copy of petition, C.S.P. Feb. 25, 1727. encl. i.

487. ii. Copy of certificate, C.S.P. Feb. 25, 1727. encl. ii. [*C.O.* 194, 8. *ff.* 191, 192, 193, 193*v.*]

Nov. 28. Whitehall. **488.** Mr. Popple to Mr. Cox. Your brother having entered a caveat against the Act passed in N. Jersey in 1719 *for running the division line between the Eastern and Western divisions etc.*, the Board desire you will let them know to-morrow at 11 a clock whether you have anything to offer against it *etc.* [*C.O.* 5, 996. *pp.* 254, 255.]

Nov. 29. Whitehall. **489.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* articles of complaint against President Middleton, received from Mr. Whitaker, "as these complaints agree with the general accounts we have had from those parts, altho' the proofs of them are not laid before us *etc.* By the said articles you will see what confusion that Province labours under, and how necessary it is that your Grace should receive H.M. commands for putting the care of that valuable country into better hands, as the only expedient we can offer for redressing these disorders." [*C.O.* 5, 400. *p.* 242.]

[Nov. 29.] **490.** Account of the manufacture of wool and flax in the Plantations. My Lord, when your Lordship pleases to consider the different climates, produce and trade of the several Colonies now settled on the North Continent of America; you will find that none of the inhabitants to the southward of Pensylvania (excepting one County called Sommerset upon the eastern shore of Maryland) have any temptation or ability to manufacture either wooll or flax to advantage, for their people are so intirely employ'd upon tobacco and rice, that they can scarce afford time to raise corn enough to supply their familys with bread; But the aforesaid county of Sommerset does at this time make a good deal of cloth which may proceed partly from the soil, not being so fit for tobacco, and partly from its being inhabited by people who have been educated and brought up to that sort of business in Ireland. But in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, New Eng-

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land etc., it is otherways, and I conceive the following reasons may be assign'd why these people have in some measure fallen into a minute or peddling manufacture of wooll and linnen cloth for the use of their own families. (i) Their principal product is stock and grain, and consequently their estates depend wholly upon good farming, and this cannot be carried on without a certain proportion of sheep (which in a good pasture there, lamb twice a year, and every ewe generally brings two and often three lambs at a time) so that wooll would be lost, if they did not imploy their servants at odd times, and cheifly in the winter season, to work it up for the use of their own families. (ii) An acre of flax which will produce from 1000 to 1500 wt. is easily raised, and coarse cloth made of it, will do twice the service of cloth of the same finess that comes from any part of Europe, which in like manner leads the industrious farmer to employ his intervals of time in making up small parcels of such coarse cloth for the use of his family, and likewise he often raises also a small quantity of hemp to make bags, plough traces, and halters for his own use, they being of a better quality for lasting than any that can be purchased in the shops. (iii) The old women and children, fit for no other business about a farmer's house, are made useful in carying on a little manufacture for the service of the family, and by this means also everyone is constantly employed within or without doors, let the weather or season be ever so bad. (iv) Grain being the chief product by which they are enabled to purchase clothing, and other European goods, those settlements which are back in the woods, and far distant from navigation, have not the opportunity of a market for grain, which will not bear the charges of a great land carriage, wherefore they raise no more corn in such places than what they consume themselves, by which means they can spare more time to work up so much wooll and flax into cloth as they want for their own use *etc.* *Continues :*—It will, I apprehend, be impracticable to restrain the people from a part of their industry which is so essential to their subsistance, unless some method can be found out to tempt or lead them voluntarily into another more profitable way of employing their spare time, and I cannot think of anything that would so advantageously contribute to that end, as a reasonable encouragement for them to go upon Naval Stores fit for the service of Great Britain *etc.* The hire of servants, or the purchase of them with the expence of maintainance and clothing etc. is at this time so high in America, that it is demonstrably impossible for any one private family to work up either woollen or linnen cloth, but what will cost 50 pr. cent. more than that which comes from Europe for sale, wherefore if they are at present only prevented from entering into any Society for a manufacture of that kind, and from transporting it to other places for sale (as indeed they are already by Act of

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Parliament, with respect to woollens) it will be sufficient to answer every reasonable purpose that can be propos'd, and if at the same time they are incouraged to go upon naval stores, such a regulation will go the more easily down. *Endorsed*, Recd. (from Sr. Wm. Keith), Read 29th Nov., 1728. $4\frac{1}{8}$ *pp.* [*C.O.* 323, 8. *No.* 101.]

Nov. 29. Whitehall. **491.** Mr. Popple to Mr. Burchett. Encloses list as desired *No.* 487. [*C.O.* 324, 11. *pp.* 135, 136.]

Nov. 29. Whitehall. **492.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed*,

492. i. *Same* to the King. Enclose following. *Continue* :—We have in pursuance of your Majesty's Order in Council of the 25th of July inserted a clause for impowering him to call an Assembly. This draught is in all other respects the same as those which your Majesty has been pleased already to approve of for your other Governors in America, excepting the Article impowering the Governors to grant land, which we have omitted in this draught, because altho' your Majesty appoints the Governor of these Islands, yet the soil belongs to Proprietors. We take this opportunity of submitting to your Majesty whether it would not be for your Majesty's service and the interest of Great Britain that these Islands considering the great consequence they are of should be purchas'd from the Proprietors.

492. ii. H.M. Commission for Capt. Woodes Rogers to be Captain General and Governor in Chief of the Bahama Islands. *See preceding.* [*C.O.* 24, 1. *pp.* 102–122.]

Nov. 29. St. James's. **493.** H.M. Warrant appointing James de Lancey to the Council of New York in the room of John Barbarie decd. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 98, 99.]

Nov. 30. St. Christophers. **494.** Governor the Earl of Londonderry to the Council of Trade and Plantations. I enclose your Lordships an Act past at Nevis *for settling* £500 pr. annum on me during my Government, which I question not will meet with your Lordships' approbation, because the tax to raise that sum is laid on sugar and molassus, the growth of that island, which as it does not in the least affect the trade of Great Britain, is therefore rais'd in conformity to H.M. Instructions, and I hope your Lordships will recommend this Act to H.M. for his Royal assent *etc.* The Legislature of that Island unanimously made this settlement on me which is the first (they say) that island ever thought fit to make on any of H.M. cheif Governours. I likewise transmit to your Lordships another Act passed at Nevis for raising a poll tax on negroes, in order to repair H.M. fortifications, and to defray other necessary charges of that Island, amounting to the sum of £2,005 17*s.* current money thereof. And as the Act shews the particulars to which that sum is to be applied, I need not trouble your Lordships with them *etc.* *Encloses* Minutes of Council and Assembly of Nevis to Oct. 28, 1728. *Continues* :—The moment the proper officer has return'd me a list of the inhabitants negroes etc., which I have directed to be taken, I will forward them to your Lordships. I arrived at St. Christophers Oct. 30th, and now send your Lordships two Acts pass'd in this Island unanimously, the one for settling the sum of £2000 pr. annum current money of St. Christophers on me during my Government, and the other for laying certain duties upon sugar, molassus and other goods of the growth and manufacture of this Island, towards raising the said sum. As both these Acts are the same with those pass'd in my predecessor Mr. Hart's time, which met with your Lordships' approbation, and H.M. Royal assent, I need not trouble your Lordships with any observations about them, but only intreat you to lay them before H.M. for his allowance. I remit your Lordships Minutes of the Council of this Island, Oct. 24, 1727—5th Sept., 1728, the last meeting to the time of my arrivall. As I found on my arrivall the Councillours in this Island under the number seven, by which means publick business had been often obstructed for want of a quorum, and as H.M. had empowered me to fill up to that number, I have accordingly appointed Mr. Wavell Smith Secretary of the Leeward Islands, one of the Council of St. Christophers. What induced me to pitch upon this Gentleman, was that I found several of his predecessors had been appointed of the Council to all the Islands, particularly John Palmer Esq. Secretary of the Leeward Islands, who was made a Councillour of them all by warrant 14th Jan. 1692 *etc.* Mr. Parsons was also appointed a Councillour to them all, as appears by his mandamus, the date of which I cannot send your Lordships because 'tis on record in the Island of Mountserratt, but shall forward it by the next opportunity. I hope your Lordships will recommend Mr. Smith to be confirm'd by H.M. it being for His service that His Cheif Secretary an Officer of such importance shou'd be of His Councils here. I assure your Lordships he is very well qualified for the station I have put him in, and his behaviour also in every respect deserves H.M. encouragement. *Acknowledges* letter of 4th July with repeal of Act repealing Act settling £2000 on Governor Hart *etc.* P.S. *Encloses* short Act laying a duty on rum, "which was by accident omitted in the Act for raising a tax on sugar and molossus etc. as your Lordships by perusing of it will perceive." *Signed,* Londonderry. *Endorsed,* Recd. 28th Jan., Read 11th Feb. 172$\frac{8}{9}$. $3\frac{2}{3}$ *pp.* *Enclosed,*

1728.

494. i. Christenings and burials in the parish of Christ Church, Nicholas Town, St. Kitts, 1727. Christenings 12; Burials, 8. *Signed*, Archibald Cockburne, Rector. 1 *p.*

494. ii. Christenings and burials in the parish of St. Mary Cayon, St. Kitts, 1727. Christenings, 13; Burials, 3. *Signed as preceding.* 1 *p.*

494. iii. Christenings and burials in the parish of St. George Basseterre, St. Kitts, Michaelmas 1726—1727. Christenings, 66; Burials, 47. *Signed*, John Anderson, Rector. 1 *p.*

494. iv. Christenings and burials in the parish of Trinity, Palmeto Point, St. Kitts, Michaelmas 1726—1727. Christenings, 15; Burials, 13. *Signed as preceding.* 1 *p.*

494. v. Christenings and burials in the parish of St. Thomas, Middle Island, St. Kitts, Michaelmas 1726—1727. Christenings, 32; Burials, 10. *Signed*, Walter Thomas, Rector. 1 *p.*

494. vi. Christenings and burials in the parish of St. Anne, Sandy Point, St. Kitts, 1727. Christenings, 17; Burials, 13. *Signed*, David Bethune, Rector. 1 *p.* [*C.O.* 152, 16. *ff.* 379–380*v.*, 381*v.*, 382, 383, 384, 385, 386, 387, 387*v.*]

Nov. 30. New York. **495.** Governor Montgomerie to the Council of Trade and Plantations. *Acknowledges* letter of June 30th *etc.* *Abstract. Suggests* that "it will contribute very much to my carrying on successfully H.M. service in New Jersey, if the obtaining the Royal assent to the triennial and Quaker's Act, be at least delayed till you know how the Assembly of that Province behaves when I meet them at Burlington on the 10th of next month." *Gives*, with a few comments, a list of 19 public and 3 private Acts passed at the last sessions of Assembly at New York, *and encloses* the Acts printed and sealed, and Minutes of Council and Assembly to date, and list of vessels entered and cleared 25th March—29th Sept., 1728. *Continues*:—The Assembly (encouraged by Governor Burnet's assenting to such an Act last year in New Jersey) past an Act for frequent calling and holding Assemblies in this Colony; which the Council finding to be of an extraordinary nature amended by adding a clause that it should not take place till H.M. pleasure be further known *etc.* The Representatives disliking the amendment dropt the bill; but at the end of the Session the Speaker gave me the enclosed copy to transmit to your Lordships; and I beg your directions what to do when it is again sent up to the Council, *etc.* The Court of Chancery has been the subject of much discourse, and occasioned more uneasiness to Mr. Hunter and Mr. Burnet than all the other parts of their administration.

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Very luckily for me I found no cause of consequence depending at my coming to this Government, nor has there been any demand yet made for opening the Court, so I have had no great occasion hitherto to act as Chancellor nor do I intend to do it till I have further instructions from your Lordships *etc.* Most of the Council and some others, since the ordinance past for regulating abuses in the practice and fees of the Court of Chancery, are very well pleased with its constitution and decrees, as appears by several representations in their Minutes *etc.* Another party disputes the legality of this or any other Court of Equity that is not established by an Act of General Assembly, and they particularly insist upon the Governours being by law incapable of being sole Judge in that Court. This was argued with great earnestness by some lawyers before Governor Burnet in a tryal for a considerable estate *etc.* A third party not so violent as the last, but yet desirous of some alteration, their scheme is to have the Court of Chancery established in the Governour and Council : thinking the clamour against it would cease, if the Governour was assisted by the Councellors, who are for most part men of estates and born in the Province. Since I found the people here so divided, and at the same time stubborn in their opinions, I hope your Lordships will approve of my not acting as Chancellor till I have your directions *etc.* *Enquires* what alterations in the repealed Act *for the easier partition of lands held in common* would make it acceptable, an Act to this purpose being much wanted and earnestly desired, *etc.* P.S. I beg pardon for making use of another's hand having sprained my wrist. *Set out*, N.Y. Col. Docs. V. *pp.* 871–875. *Signed*, J. Montgomerie. *Endorsed*, Recd. 14th Feb., Read 23rd May, 1729. 7 *pp.* *Enclosed*,

495. i. Minutes of Council of New York relating to an Ordinance for establishing remedies for abuses in the practice of the law, 19th Dec., 1727—7th March, 1728. *Printed.* 6 *pp.*

495. ii. Ordinance for regulating fees in the Court of Chancery, New York, 28th Feb., 1728. *Printed.* 4 *pp.*

495. iii. Extract (*pp.* 9 and 10) of the case relating to Medina and Co. of London *v.* Rene Hett. *Printed.* 2 *pp.* *Nos.* i–iii. *Endorsed*, Recd. 14th Feb., 172$\frac{8}{9}$.

495. iv. Affidavits referred to in Minutes of Council of New York, 13th Sept., 1728. *Endorsed as preceding.* *Copy.* 13½ *pp.*

495. v. Copy of a bill *for the frequent calling and holding of Assemblies at* New York. An Assembly to be held at least once in three years *etc.* *Same endorsement.* 2 *pp.* [*C.O.* 5, 1054. *ff.* 307–317, 318–324*v.*, 325*v.*–326*v.*, 327*v.*]

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Nov. 30.
St. Christophers.

496. Governor Lord Londonderry to the Duke of Newcastle. Since [*Sept.* 18], I have visited Nevis and St. Christopher's and have had the good fortune to obtain a settlement by the unanimous consent of the Legislature of both islands during my Government. The amount in Nevis is £500 pr. annum and the first, that Island ever made on any Chief Governour, and that of St. Christophers is £2000 pr. annum, the same my predecessor receiv'd *etc. Has transmitted said Acts to the Lords of Trade and asks for his Grace's good interpositions for the Royal assent. Continues* :—On my arrival here I found the Councillors of this island under the number seven, *etc.*, and I have accordingly appointed Mr. Wavell Smith, Secretary of the Leeward Islands, one of the Council of St. Christophers. The reason of my chusing this Gentleman, is that I find in the records, several of his predecessors here had been appointed of the Council to all the islands, particularly John Palmer by warrant of 14th Jan. 1692 and Mr. Parsons *etc. Prays that* he may be confirmed, "it being for H.M. service that an officer of such importance should be of His Councils" *etc. Continues* :—I was surpriz'd to find His late Majesty's order, dated Nov. 30, 1726, directing the Chief Governour to put the Secretary into possession of that branch of his office called the Register of the Court of Admiralty *etc.* was not obey'd, notwithstanding the Secretary made frequent application, to have it put in execution. On my arrivall, I caused the said order to be immediately obey'd *etc. Signed*, Londonderry. *Endorsed*, Rd. Jan. 29th. 2½ *pp.* [*C.O.* 152, 43. *ff.* 31–32*v.*; *and* (*extract relating to Councillors*) 33.]

Nov. 30.
Bermuda.

497. Lt. Governor Pitt to Mr. Delafaye. *Encloses* his letter to the Duke of Newcastle (? 30*th Oct.*). *Continues* :—I called an Assembly which mett and satt, and after four days sitting their speaker fell ill, and so continues without doing any business, onely makeing one act for the preservation of the fishery, which wee agreed too. But the first thing they went upon was to vote for a Habeas Corpus Act with this title, An act for the better secureing the liberty of H.M. subjects within these islands, and preventing long imprisonment, cheifly drawn or coppyed from an act passed in the island of Berbadoes in the year 1697, and averred to be still in force there, which makes me desierous to know, if in that regard any alteration should be made in any other islands under H.M. Governmts. for my better satisfaction in the affair, I have prorogued the Assembly to the first munday in February next, and have in the interim wrote to the Governour of Berbadoes, and New York, to know how that or the like act, if any, has been passed in their Colony's, or is now in force. I offered to the consideration of the Assembly the prepareing an act to supply the country with small money a great want whereof it now labours under, there being no less

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peece current then an halfe Royall, which by Queen Ann's proclamation, confirmed by Act of Parliament is 4 pence this country currency; yet was this necessary proposall rejected, fearing as the majority pretended, that if copper halfe pence were brought in here, they should soon be glutted with them, which you may judge by the inclosed proposall. I have wrote to Mr. Noden for this country by the consent of our Councill here to gett a small summ, if an order from the King and Councill can be obtained for them to pass, which wee think the easiest way to convince them of their ignorance, and what loss may acrew, I will take it to myselfe, most of this Assembly being scared with a notion that they might be woods halfe pence intended for Ireland, which Govr. Hope lay'd a scheme before them to bring them into this country, but rejected by them. I have ordered Mr. Noden our Agent to waite on you and know your opinion with your assistance if it be to be done. *Signed*, John Pitt. *Endorsed*, R. 14th Feb. 2 *pp.* *Enclosed*,

497. i. Proposall for purchase of halfe-pence. Suppose the country to borrow £200 sterl. Allow 40 p.c. for exchange in Bermuda currency, 6 months interest at 8 p.c. till the arrival of the halfe pence, and agents commission 2½ p.c. and insurance 2½ p.c. *Total*, £305 4*s*. The £200 st. will purchase in the Tower of London of English halfe-pence with the usuall allowance of 10 p.c. sterl., £220. Allow each halfe-pence to pass for three farthings is 50 p.c. exchange on the whole, £110. *Total*, £330. The advantage accruing to the Collony, besides the conveniency to every inhabitants, is:— Allow the half-pence be lodged immediately in the treasury, and vented by payment of the public debts, the creditor allowing a discount of 10 p.c. for prompt payment comes to £33. The difference on the purchase and the vent is £24 16*s*. *Total*, £57 16*s*. Every person being obliged to take the halfe-pence in payments, the forementioned sum will be sufficient for this Collony, and the advance being so small no trader has any encouragement to import any quantity, add the vast advantage that will attend the subject, in haveing small change, which on a moderate computation will save at least £150 pr. annum. 1¼ *pp.* [*C.O.* 37, 29. *Nos.* 2, 2.i.].

[Nov.] **498.** Benjamin Whitaker, Attorney General S. Carolina, to the Duke of Newcastle. Encloses following, " of which I can produce the most full and authentick proofs if I was enabled by an order to examine persons and send for papers. I need not represent to your Grace the dreadfull events H.M. subjects have to fear from a state of anarchy and confusion to which they are now very near reduced, and how unable they are to defend themselves agt. the enemies that surround them." *Signed,* Benja. Whitaker. *Endorsed,* Rd. of Mr. Yonge, Nov. 1728. 1 *p.* *Enclosed,*

498. i. Articles relating to the conduct of Arthur Middleton, President of S. Carolina *etc.* (i) Upon taking upon him the administration, he neglected to take the oaths for the observation of the Acts of Trade, whereby H.M. Revenue hath greatly suffer'd and severall illegall traders escaped with impunity. (ii) A few months after he had ent'red on the administration he sold several offices relating to the administration of Justice and used many indirect artifices to extort money from the purchasers. (iii) Contrary to H.M. orders, he issued £30,000 in paper bills, which by law ought to have been sunk, whereby the value of the said bills is greatly lessened and the trading people of Great Brittain much injured. (iv) To the great greif and disappointment of H.M. good subjects, he wilfully delayed proclaiming H.M. happy accession to the Throne fourteen days after he had received orders for that purpose. (v) When H.M. Council in June, 1727, had directed warrants to the Provost Marshall to apprehend several rioutous persons who intruded with pistols into the Council Chamber and delivered a seditious representation, Mr. Middleton privately and without the advice or consent of the Council, ordered the Provost Marshall to stop the execution of said warrants. (vi) When A. Skene had committed to prison Thomas Smith for riotous assembly *etc.* (*v. supra*), he ordered him to be discharged without hearing, in pursuance of a promise he made to an Assembly of about 200 rioters with whom he so far prostituted the dignity of Government and H.M. authority intrusted to him as to treat, capitulate and make terms notwithstanding there was two of H.M. ships in the Government and many other good subjects who offered and were ready to assist him on the insurrection of the rioters. (vii) When proof was made before him in Council that a number of armed men were assembled together with their faces black'd and disguised in order to kill the Provost Marshall who had warrants against them for levying the public taxes raised for the support of H.M. Government, he ordered the Treasurer to withdraw the said warrants *etc.* (viii) He hath committed diverse other acts highly injurious to H.M. Prerogative *etc.* *Endorsed,* Referred to the Lords of the Committee of Council. 1½ *pp.* [*C.O.* 5, 387. *Nos.* 86, 86 i.]

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Dec. 4.
St. James's.

499. Order of King in Council. Referring to Committee for their report representation on charges against President Middleton (*v.* 13th Nov. *etc.*). *Signed,* Ja. Vernon. *Endorsed,* Recd. 3rd, Read 15th Jan., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 5, 360. *ff.* 84, 85*v.*]

Dec. 4.
St. James's.

500. Order of King in Council. Appointing Alexander Forbes to the Council of Jamaica, in the room of Mr. Pusey. *Signed,* Jas. Vernon. 1 *p.* [*C.O.* 137, 46. *No.* 54.]

Dec. 4.
St. James's.

501. Order of King in Council. Approving draught of Commission for Governor Woodes Rogers. *Signed,* Jas. Vernon. *Endorsed,* Recd. 3rd, Read 15th Jan., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 23, 2. *ff.* 182, 183*v.*; *and* 23, 12. *No.* 92.]

Dec. 4.
St. James's.

502. Order of King in Council. Referring to Committee that part of the Representation of the Board of Trade 29th Nov., recommending the purchase of the Bahama Islands. *Signed,* Ja. Vernon. *Endorsed,* Recd. 3rd, Read 15th Jan., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 23, 2. *ff.* 184, 185*v.*]

Dec. 4.
St. James's.

503. Order of King in Council. Appointing A. Forbes to the Council of Jamaica, as proposed by Council of Trade. *Signed and endorsed as preceding.* $1\frac{1}{4}$ *pp.* [*C.O.* 137, 17. *ff.* 127, 127*v.*, 128*v.*]

Dec. 5.
Whitehall.

504. Council of Trade and Plantations to the Lords of the Committee of H.M. Privy Council. Pursuant to the Order of 19th Nov., *etc.*, we find, that in the Colonies of New England, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, and in the County of Somerset in Maryland, the people have fallen into the manufacture of woollen and linnen cloth, for the use of their own families, but we cannot learn that they have ever manufactur'd any for sale in any of the Colonies, except in a small Indian town in Pennsylvania where some Palatines have of late years settled. The reasons which may be assign'd, why these people have begun this manufacture, are, 1st. That the product of these Colonies being chiefly stock and grain, the estates of the inhabitants depend wholly upon farming; and as this cannot be carry'd on without a certain quantity of sheep, their wooll would be entirely lost, were not their servants employ'd at leisure times of the year, but chiefly during the winter, in manufacturing it for the use of their families. 2nd. Flax and hemp are likewise easily rais'd, and the inhabitants manufacture them into a coarse sort of cloth, bags, plough traces, and halters for their horses, which they find, do more service than those they have from any part of Europe. 3d. Those settlements which are distant from water-carriage, and are remotely situated in the woods, have no opportunities of a market for grain; and therefore, as they don't raise more corn than is sufficient for their own use, they have more time to manufacture both wooll and flax for the service of their families, and seem to be under a greater necessity of doing it. Upon a further enquiry into this matter, we don't find that these people had the same temptation to go on with these manufactures, during the time that the bounty upon Naval Stores subsisted, having then encouragement to employ their leisure time in another way, and more profitably both to themselves and this Kingdom ; For the height of wages, and the great price of labour in general in America, makes it impracticable for the people there to manufacture linnen cloth at less than 20 pr. cent. more than the rate in England, or woollen cloth at less than 50 pr. cent. dearer than that which is exported from hence for sale ; But as the small quantities which they manufacture for their own use, are a diminution of the exports from this Kingdom ; it were to be wish'd that some expedient might be fallen upon to divert their thoughts from undertakings of this nature ; and so much the rather, because these manufactures in process of time may be carry'd on in a greater degree, unless an early stop be put to their progress ; and the most natural inducement that we can think of to engage the people of America to desist from these pursuits, would be to employ them in Naval Stores, wherefore we take leave to renew our repeated proposals, that a reasonable encouragement may be given for the making, raising and manufacturing of Naval Stores, of all kinds in the Plantations, from whence we may be furnish'd in return for our own manufactures, and much money might be sav'd in the balance of our trade with the Northern Crowns, where these materials are chiefly paid for in specie. If your Lordships shall be of the same opinion, we beg leave to refer our selves to our Representation of the 20th of March last *etc.* But whenever the Legislature shall be dispos'd to give prœmiums for this purpose, it might be reasonable at the same time to prevent as far as may be, the further growth of the woollen and linnen manufactures in the Plantations by Act of Parliament. And notwithstanding provision is already made by the Act of 10th and 11th K. William *to prevent the exportation of wooll out of the Kingdoms etc.*, that no wooll, woollfells or woollen goods, etc. of the growth or manufacture of any of the British Plantations in America, shall be exported by land or water, out of the respective Plantations where they grew or were manufactur'd ; yet we conceive, this Law might be extended further. And altho' it might not be reasonable to prevent the poor Planters who have not wherewithall to purchase British manufactures, from cloathing themselves by their own labour, yet in our humble opinion, it might be adviseable to provide, that woollen goods made in the Plantations, should not be expos'd to sale there. The like care in our humble opinion should be taken to prevent the growth

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of the linnen manufacture in the American Colonies, because we are inform'd that some Palatines settled in Pennsylvania, as aforemention'd, have lately made small quantities of linnen for sale there. [*C.O.* 324, 11. *pp.* 136–142].

Dec. 5. Whitehall. **505.** Council of Trade and Plantations to the King. There was an Act passed at New Jersey in 1719 *for running the line of partition between the Eastern and Western Divisions etc.* This is an Act wherein private property is concern'd and therefore we thought it would be of service to let the same lye by for some time, that in case any persons should be aggrieved thereby, they might have sufficient opportunity to lay their objections before us; but as we have receiv'd none, and as this Act will be of advantage to the inhabitants of New Jersey in general by settling their respective titles, we humbly lay the same before your Majesty for your Royal confirmation. [*C.O.* 5, 996. *pp.* 254, 255.]

Dec. 9. **506.** Copy of Warrant for Governor Rogers' Commission. [*C.O.* 5, 194. *ff.* 495–512.]

Dec. 10. St. James's. **507.** H.M. Warrant appointing Alexander Forbes to the Council of Jamaica, in the room of William Pusey, who has been several years absent and is now in prison. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 100, 101.]

Dec. 10. Barbados. **508.** Governor Worsley to the Duke of Newcastle. *Refers to letter of* 28th Oct., advising his Grace that he proposed (*v.* 28th Oct.) to let the Assembly sit 12th November, "but they not making a House that day, the Member(s) present adjourned them to the 19th of the said month, when they appointed a Committee to prepare a bill to be laid before the House at their next sitting, and the same day I laid before them H.M. 21st and 22nd Instructions (*v.* 8th Nov.) upon which, they adjourn'd themselves, de die in diem, to their Clerk Mr. Warren's house, till the 22nd when they adjourn'd to ye next day to ye house of Mr. Willoughby Duffey where they generally meet to do business, when they accordingly met and passed an Excise bill; the 26th the Council sat and made some amendmts. to the bill, the title of which having been as usually, for laying a duty on wines etc. for repairing the fortifications; the Council thought fit to leave that part of the title out, and in some clauses of the bill there being this expression, "any law, usage, or custom to the contrary notwithstanding," the Council thought it necessary to amend the said bill by leaving out the word *Law*, in that H.M. has commanded, in his Instructions to me, that no law should be repealed by general words; and as one of the uses was for the payment of all such orders as are or shall be issued by the Governor or Commander-in-Chief by and with the advice and consent of the Council for the entertainment of the Courts of Grand Sessions etc., the Council thought fit to amend the bill by leaving out the words, " upon an address from the General Assembly " ; and the bill was accordingly sent down to the Assembly, who the next day agreed to those amendments, when they returned it to the Council, who immediately pass'd it, and I gave my assent to it. The Assembly have taken particular care for the payment of their officers, which paymts. are made preferable, but your Grace will observe in this bill, there is no use for repairing the fortifications, nor for the payment of H.M. Attorney General, nor for the Storekeeper's accounts, nor for the payment of the Clerk of the Council, nor for defraying the expences of the Committees of Council. However as the bill is now passed, the money arising by this tax will not be lost to ye publick, and I have the honor to transmit it to your Grace." *Acknowledges Order in Council*, 15th *Aug. etc. Continues :*—In obedience thereunto, I shall with the Council examine and settle Mr. Whitworth's accounts, and shall then earnestly recommend it to the Assembly for the immediate payment of what shall be found due upon proper vouchers, and shall take the same care of what is now or shal for the future become due to Mr. Whitworth, or his deputy, for such services. *Encloses* Minutes of Assembly 13th Sept.—7th Dec. *Signed*, Henry Worsley. *Endorsed*, Rd. Feb. 17th. 4 *pp.* [*C.O.* 28, 44. *No.* 130.]

Dec. 10. Barbados. **509.** *Same* to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis. Signed*, Henry Worsley. *Endorsed*, Recd. 14th Feb., Read 20th May, 1729. 4 *pp.* [*C.O.* 28, 20. *ff.* 124–125*v.*, 126*v.*]

Dec. 10. **510.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of Virginia, 1728, *for laying a duty on slaves imported. Refers to* procedure on former acts of this nature and Order in Council 30th April, 1724. *Objects* to this act that (i) the Colony cannot subsist or be improved without large and constant supplies of negroes. Experience has shown the fatal consequence, of such duties, for from 1710 to 1718, when there was such a duty, the number of negroes imported into Virginia was very inconsiderable and those few sold at excessive prices. So that laying a duty on negroes can only tend to make them scarcer and dearer, the two things that for the good of our trade and for the benefit of Virginia ought chiefly to be guarded against, since it is well known that the cheapness of Virginia tobacco in European marketts is the true cause of the great consumption thereof. (ii) It affects the revenue of Great Britain, for the crops of tobacco and therefore the amount imported, must grow less for want of negroes, and the Act is also inconsistent with the dependancy of Virginia on Great Britain. For " these negroes are purchased by the British

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merchants on the coast of Africa in exchange of our own manufactures etc., and therefore for Virginia to lay a duty on negroes so purchased is the same thing as laying a duty on the importation of British manufactures" *etc. Signed,* Fran. Fane. *Endorsed,* Recd. 10th May, 1728, Read 21st May, 1729. 2¾ *pp.* [*C.O.* 5, 1321. *ff.* 108–109*v.*]

Dec. 11. **511.** Merchants trading to Virginia and Maryland to the Council of Trade and Plantations. Reasons humbly offered against erecting a light house upon Cape Henry in Virginia. We apprehend it may be very detrimentall to our shipping bound to Virginia and Maryland because of the lights that are frequently made along the coast and inland by burning the woods and other chance fires made in hunting &c. which happens generally at the time of year when the ships are bound in and should they be deceived by such lights which cannot certainly be distinguished from a light house, it would probably be the loss of many ships. The light can be of no service in foggy hazy weather, to which the coast is subject, it not being then visible, and in clear weather or any that is fitting for a ship to stand into land, knowing the latitude they may safely run in without it by the lead, which is an infallible guide to carry any ship into good anchor hold, and afterwards the lights can be of little use. Accidents would likewise probably happen if ships being pritty sure of the latitude should, neglecting their lead, run in to make the light, and by carelessness or for other causes the light should not be visible, and there are many instances of neglect of the lights even in the Brittish Channell. We do not know that any shipp ever miscarried for want of a light on the Cape. *Endorsed,* Recd. (from Mr. Alderman Perry), Read 11th Dec. 1728. 1¼ *pp.* [*C.O.* 5, 1321. *ff.* 90, 90*v.*, 91*v.*]

Dec. 11. **512.** Mr. Robert Cary to Mr. Popple. I have beene afflicted with ye collick in my stomack lately that I have not beene out of doores but twice these three weekes, wch. prevents me from weighting on ye Lords Commissioners *etc.* I believe not any of ye Virga. merchants have any objection against ye erecting a lighthouse if ye Maryland merchants joyne em. *Signed,* Robert Cary. *Endorsed,* Recd., Read 11th Dec., 1728. *Addressed.* ¾ *p.* [*C.O.* 5, 1321. *ff.* 88–89.]

Dec. 12. Whitehall. **513.** Lord Townshend to the Council of Trade and Plantations. Having laid before the King the *enclosed* observations *etc.*, I herewith send them to your Lops. by H.M. command, that you may take the same into consideration, and report to H.M. what use may be made of these observations for the benefit of H.M. Colonys in America. *Signed,* Townshend. *Endorsed,* Recd. Read 31st Dec., 1728. 1 *p.* *Enclosed,* 1728

513. i. Sir William Keith to the King. *Submits following observations,* "which were occasionally made in your Majesty's and your Royal Father's service abroad" *etc.* *Signed,* William Keith. 1 *p.* *Enclosed,*

513. ii. A short discourse on the present state of the Colonies in America with respect to the interest of Great Britain. *After complimentary introduction, continues*:—When Colonies are conquered or planted abroad, *etc.*, it is convenient to substitute little Provincial dependent Governments, whose people by being infranchized, and made partakers of the liberties and privileges belonging to the original Mother State, are justly bound by its laws, and become subservient to its interests, as the true end of their incorporation. Every Act of a dependent Provincial Government therefore ought to terminate in the advantage of the Mother State, unto whom it ows its being, and by whom it is protected, in all its valuable privileges: Hence it follows that all advantageous projects, or commercial gains in any Colony, which are truly prejudicial to, and inconsistent with, the interest of the Mother State; must be understood to be illegal, and the practice of them unwarrantable, because they contradict the end for which the Colony had a being, and are incompatible with the terms on which the people claim both privilege and protection. Were these things rightly understood amongst the inhabitants of the British Colonies in America, there would be less occasion for such Instructions, and strict prohibitions, as are daily sent from England to regulate their conduct on many points; the very nature of the thing would be sufficient to direct their choice in cultivating such parts of industry and commerce only, as would bring some advantage to the interest and trade of Great Britain: They would soon find by experience that this was the solid and true foundation whereon to build a real interest in their Mother Country, and the certain means to acquire riches without envy. On the other hand where the Government of a Provincial Colony is well regulated, and all its business and commerce truly adapted, to the proper end and design of the first settlement; such a Province like a choice branch springing from the main root, ought to be carefully nourish'd, and it's just interests well guarded; no little partial project or party gain should be suffer'd to affect it, but rather it ought to be consider'd and weigh'd in the general ballance of the whole State, as an usefull and profitable Member; For such is the end of all Colonies, and if this use cannot be made of them, it would be much better

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for the State to be without them. It has ever been the maxim of all polite Nations to regulate their Government to the best advantage of their trading interest; wherefore it may be helpfull to take a short view of the principal benefits arising to Great Britain by the Trade of the Colonies. 1mo. The Colonies take off and consume above one 6th part of the woolen manufactures exported from Britain; which is the chief staple of England and main support of all the landed interest. 2do. They take off and consume more than double that value in linnen and calicoes, which is either the product of Britain and Ireland, or partly, the profitable returns made for that product carryed to forreign countries. 3tio. The luxury of the Colonies which increases daily, consumes great quantities of English manufactur'd silks, haberdashery, household furniture and trinkets of all sorts, also a very considerable value in E. India goods. 4to. A great revenue is rais'd to the Crown of Great Britain, by returns made in the produce of the Plantations, especially Tobacco, which at the same time helps England to bring nearr. to a ballance their unprofitable trade with France. 5to. These Colonies promote the int. and trade of Britain by a vast increase of shipping and seamen; which enables them to carry great quantities of fish to Spain, Portugal, Leghorne etc.. furrz logwood and rice to Holland, where they help Great Britain considerably in the ballance of trade with those countries. 6to. If reasonably encouraged, the Colonies are now in a condition to furnish Britain with as much of the following commodities as it can demand vizt. masting for the Navy and all sorts of timber, hemp, flax, pitch, tarr, oyle, rosin, copper-oar, with pig and barr-iron, by means whereof the ballance of trade to Russia and the Baltick, may be very much reduced in favour of Great Britain. 7mo. The profits arising to all these Colonies by trade is return'd in bullion, or other useful effects to Great Britain, where the superfluous cash, and other riches acquir'd in America must center; which is not one of the least securities that Britain has, to keep the Colonies alwaies in due subjection. 8vo. The Colonies upon the Main, are the granary of America, and a necessary support to the Sugar Plantations in the West Indies which could not subsist without them. By this short view we may plainly understand, that these Colonies can be very beneficially employ'd, both for Great Britain and themselves, without interfairing with any of the Staple manufactures in England; and considering the bulk and end of their whole traffick 'twere pitty that any material branch of it shou'd be depress'd; on account of private and particular interests, which in comparison with these cannot justly be esteem'd a national concern *etc.* We will proceed to consider some of the most obvious regulations on the American trade; for rendring the Colonies truly serviceable to Great Britain. 1mo. That all the product in the Colonies for which the manufacture and trade of Britain has a constant demand, be enumerated among the goods which by law must be first transported to Britain before they can be carry'd to any other market. 2do. That every valuable merchandize to be found in the English colonies, and but rarely anywhere else, and for which there is a constant demand in Europe, shall also be enumerated, in order to assist Great Britain in the ballance of trade with other countries. 3tio. That all kinds of woolen manufactures for which the Colonies have a demand, shall continue to be brought from Britain only, and linnen from Great Britain and Ireland. 4to. All other kind of European commodities to be carry'd to the Colonies (salt excepted) entry thereof first to be made in Britain, before they can be transported to any of the English Colonies. 5to. The Colonies to be absolutely restrain'd in their several Governments, from laying any manner of duties on shipping or trade from Europe, or upon European goods transported from one Colony to another. 6to. That the Acts of Parliament relating to the trade and Government of the Colonies be revis'd and collected into one distinct body of laws, for the use of the Plantations, and such as trade with them *etc.* From what has been said *etc.*, it is plain that none of the English Plantations in America can claim an absolute Legislative power within themselves *etc.* and cannot be possessed of any rightful capacity to contradict or evade the true intent of any Act of Parliament *etc.* *Argues that the institution of negative Councils has contributed to the mistake of Governors and Assemblies in fancying that they represent the King, Lords and Commons. Continues:*—For so long as the King has reserved to himself in his Privy Councill the consideration of, and a negative upon all their laws, the method of appointing a few of the richest and proudest men in a small Colony, as an upper House with a negative on the proceedings of the King's Lieutenant Governor, and the People's Representatives, seems not only to cramp the natural liberty of the subject there, but also

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the King's just power and prerogative; for it often happens that very reasonable and good bills *etc.*, have been lost *etc.* by the obstinacy of a majority in the Council, only because such things did not square with their private particular interest and gain, or with the views which they form to themselves by assuming an imaginary dignity and rank above all the rest of the King's subjects *etc.* *Proposes that the Councils should be merely Councils of State to advise with the Governor and be constant witnesses of all public transactions. Considers the state of Civil Jurisdiction. Continues:* It is generally acknowledged in the Plantations, that the subject is intitled by birthright unto the benefit of the Common Law of England; But then as the Common Law has been alter'd from time to time and restricted by Statutes, it is still a question in many of the American Courts of Judicature, whether any of the English Statutes, which do not particularly mention the Plantations, can be of force there untill they be brought over by some Act of Assembly in that Colony where they are pleaded; and this creates such confusion, that according to the art or influence of the lawyers and attornies before Judges who by their education are indifferently quallified for that service, they sometimes allow the force of particular statutes, and at other times reject the whole, especially if the Bench is inclinable to be partial, as too frequently happens in those new and unsettled countries; and as men's liberties and properties in a country chiefly depend on an impartial and equal administration of Justice, this is one of the most material grievances which the subjects in America have just cause to complain of; but while for the want of schools and other proper instruction in the principles of moral virtue, their people are not so well qualified, even to serve upon juries, and much less to act upon a Bench of Judicature; it seems impracticable to provide a remedy, untill a sufficient revenue be found out amongst them, to support the charge of sending Judges from England to take their circuits by turn in the several Colonies on the Main, which if it be thought worthy of consideration will appear neither to be improper nor impracticable; and untill that can be done all other attempts to rectifie their Courts of Law will be fruitless and may be suspended. Courts of Chancery which are known to be necessary in many cases to correct the severity of the Common Law, seem to subsist there on a most precarious foot, for it does not appear that there is a proper and legal

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authority to hold such a Court in any of the Colonies; nevertheless by custom everywhere some kind of Chancery is to be found in one form or other; so that when a rich man designs to contest anything in dispute with his poor neighbour, if he can continue to bring him into Chancery, he is sure the matter will rarely or never be brought to issue, which on many occasions proves an intolerable oppression, wherefore it is hoped that so high a jurisdiction issuing immediately from the Crown will in due time be put on a more regular and certain establishment abroad. *Militia.* The people in the Plantations are so few in proportion to the land they possess, that servants being scarce and slaves so excessively dear, the men are generally under a necessity there to work hard themselves in order to provide the common necessaries of life for their families, so that they cannot spare a day's loss of their time without great loss to their interest, wherefore a militia there would become more burthensome to the poor people than it can be in any part of Europe. But besides, it may be questioned how far it would consist with good policy to accustom all the able men in the Colonies to be well exercised in arms; It seems at present more adviseable to keep up a small regular standing force in each Province which might be readily augmented for a time if occasion did require; and thus in case of war or rebellion the whole of the regular troops might be without loss of time united or distributed at pleasure; and if a suitable revenue can be raised for the defence and support of the Plantations, it would be no difficult matter both to form and execute a proper scheme of this nature. Land is so plenty, and to be had so very cheap in America, that there is no such thing as tenants to be found, for every man is a tenant in fee of what he possesses, and only pays a small quitt or ground rent, to the Lord of the soil, and this makes it impracticable to find an Assembly of such freeholders in any of the Colonies, who will consent to lay any tax upon lands, nor indeed is to be expected they should voluntarily agree to raise any revenue amongst themselves, except what is absolutely necessary for erecting and supporting Court Houses, bridges, highways and other needfull expences of their civil Government, which is commonly levy'd upon stock, an excise on forreign liquors retail'd or a small poll-tax; and the publick there is generally in debt, because they are extreamly jealous of attempts upon their liberties, and apprehensive that if at any time their publick treasury was rich, it might prove too

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great a temptation for an artfull Governour in conjunction with their own Representatives to decide the spoil and betray them *etc.* *Continues* :—The wisdom of the Crown of Great Britain by keeping its Colonies [*independent one upon another*] is very much to be applauded, for while they continue so, it is morally impossible, that any dangerous union can be found anongst them, because their interests in trade and all manner of business, being entirely separated by their independency, every advantage that is lost or neglected by one Colony is immediately pick'd up by another; and the emulation that continually subsists between them in all manner of intercourse and traffick is ever productive of envies jealousies and cares, how to gain upon each others conduct in government or trade, everyone endeavouring thereby to magnifie their pretention to the favour of the Crown, by becoming more usefull than their neighbours to the interest of Great Britain. But to render the Colonies still more considerable to Britain, and the managemt. of their affairs much more easy to the King and his Ministers at home, it wou'd be convenient to appoint particular officers in England only for the dispatch of business belonging to the Plantations; for often persons that come from America on purpose either to complain or to support their own just rights are at a loss how or where to apply; this uncertainty does not only fatigue the Ministers, but frequently terminates in the destruction of the party, by his being referr'd from Office to Office, untill both his money and patience be quite wore out; such things in time may cool people's affections and give them too mean an opinion of the justice of their Mother Country, which ought carefully to be prevented, for where there is Liberty the inhabitants will certainly expect right, and still have an eye towards obtaining it one way or other. It may be considered therefore how far it would be serviceable to put all the Crown's Civil Officers in the Plantations under the direction of the Board of Trade, from whom they might receive their several deputations or appointments, and unto whom they ought to be accountable both for their receipts and management, and if a particular Secretary was appointed for the Plantation affairs only, or if the First Lord Commissioner of that Board was permitted to have daily access to the King in order to receive H.M. commands in all business relateing to the Plantations, the subjects application would be reduced into so narrow a compass and the Board of Trade would always be so perfectly acquainted in the King's pleasure, that great dispatch might be given even to those distant matters, without taking up too much of the Ministry's time, and interfiering with other perhaps more important business; the people of the Colonies would be pleas'd to find themselves thus equally regarded, without giving one any undue preference to another, and all the rents, customes, revenues and other profits in any manner arising from the Plantations would then center in one place, where another proper member of the same Board might be appointed Treasurer of that particular Revenue, to answer all such orders as should be issued from time to time for the Plantation service; and as the revenue from America would in all probability be encreasing daily, it may reasonably be expected, that the expence of paying the Board of Trade and other Officers wholly employed in Plantation affairs, which is now born by the Civil List, would then more properly arise and be discharged out of the American fund, and the overplus remaining would in time become a most usefull stock for purchaseing of Proprietary lands, erecting forts, and extending the present settlements as far as the Great Lakes, or might be applyed to such other uses as H.M. should think proper for that service. All that has been said with respect to the improvement of the Plantations, will signifie very little, unless a sufficient revenue can be raised to support the needfull expence, In order to which it is humbly submitted whether the duties of stamps upon parchment and paper in England may not with good reason be extended by Act of Parliament to all the American Plantations. When we do but cast an eye upon the vast tracts of land and immense riches, which the Spanish Nation have in little more than one century very oddly acquired in America, in so much that the simple privilege of trading with them on very high terms too, is become a prize worth contending for amongst the greatest Powers in Europe, surely we must on due reflection acknowledge, that the preservation and enlargement of the English settlements, in those parts, is of the last consequence to the trade interest and strength of Great Britain *etc. Without date, signature or endorsement.* 27 *pp.* [*C.O.* 5, 4. *Nos.* 37, 37 i.]

Dec. 12. **514.** Report upon the affairs of Carolina, Nova Scotia, New England, Sir Wm. Keith's Memorial and the Royal African Company. [? *Possibly by Martin Bladen. Ed.*] *For settling Carolina.* The Duke of Newcastle to direct the Lords of the Admiralty to report to H.M. whether it may not be for

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the publick service, that a dock with store-houses, and magazins for Naval Stores, provisions and ammunition should be erected in Port Royal, or some other Port in South Carolina, and to propose the necessary establishment and charge *etc.* The Duke of Newcastle to direct the Board of Trade to prepare Commissions and Instructions for the persons whom H.M. has appointed Governors of South and North Carolina *etc.* It might be proper at the same time to referr to the Commrs. of Trade copys of the agreement made with the Lords Proprietors of Carolina, and of all other papers either in the Treasury, Secretarys or Councill Office, relateing to the present state of these two Provinces, that the Comrs. may be the better able to judge what additional Instructions may be necessary for the Governours for the new settling of these Provinces. If a dock is to be establish'd in South Carolina, the Lords Commrs. of Trade should be directed to prepare an Instruction for the Governour, requiring him to give all possible assistance to this undertaking, and likewise to represent to the Assembly what an advantage it will be to their Province in particular, and consequently how liberally they ought to contribute to so good a design. *Nova Scotia.* For the importance of settling this Province, and for the manner of doing it, be pleas'd to call for the report of the Board of Trade of the 14th of May last, and that of 7th June, 1727. The settling of this country will in time raise a considerable revenue to the Crown, make a frontier against our French neighbours, and draine great number of inhabitants from New England, where they are daily aiming at an independency and very much interfere with the trade of their Mother Kingdom. These reports now lye before the Councill. *New England.* By the last accounts from thence, it would seem the Assembly there are determin'd not to comply with H.M. last Order in Councill, relating to Mr. Burnet's salary, and that they will abide the judgment of the Legislature in Great Brittain. This being a matter of great consequence it should be thought of in time, both as to the thing and the manner of doing it, and Gentlemen should be early aprized of the King's intentions. The Board of Trade should likewise collect (tho' without a formal Order) the several instances of ill behaviour in that Province, and the many particulars wherein they interfere with the trade and interest of Great Brittain. Nothing can effectually cure these evils but the repeal of their Charter, and the providing some other way a salary for their Governour, which may render him independent of so stubborn and seditious a people. There are several other reports from the Board of Trade in the Council and Secretary's Offices, besides those mentioned in this Memorial. But these are the matters that require most immediate dispatch. It would certainly be for H.M. service that whenever a Councill is appointed for Plantation matters, notice should be given to the Board of Trade that some one Member or more of that Board might allways attend the Councill (during my Lord Westmorland's absence from Town) to give any information that may be wanting to explain the subject matter of their reports. And if the Councill would be pleas'd to set apart one certain day in every week for Plantation affairs, for the first month only, and one day in a fortnight afterwards, I am persuaded the business of the Colonys would never be in arrear. *Sir Wm. Keith's Memorial.* The substance of this Memorial is to propose that the Laws relating to the Plantations should be collected under proper heads, which is already done by the Secretary of the Customs, and that some particular regulations should be established for the Plantation trade, some of which are very unreasonable, and others are already made or provided for by Instructions. To alter the Constitution of the Colonys, by takeing away the share which the several Councills there now have in their Legislatures as separate bodys, representing the House of Lords in England, which would be reducing them to the Scots and not to the English standard, to consist of two branches only and not of three. To send Judges to the several Colonys from England well skilled in the Laws would be a very good thing if a fund could be found out to pay them. To lay aside the Militia in the Plantations and establish a standing force in their stead is intirely chimerical, because no fund can possibly be found of some ages in the Plantations to answer that end. To extend the Stamp Duty to the Brittish Colonys in America, as supposing that might raise a sufficient fund for the payment of the Governour, Judges, Standing Army, etc. (which) is highly improbable, tho' it is possible this duty might raise a considerable annual sum there under proper management, if it should be adviseable to lay it, which can hardly be without renouncing the King's right to the four and a half per cent. at present payable in Barbados and the Leeward Islands. If a fund could be rais'd for payment of Governours, and Judges, so as to make them independent of the people it would be a very great work done, and it has been thought a considerable summe might be raised for those purposes by a duty upon East India goods vended in the Colonys. I have seen some calculations upon this subject. To redress the delays and ill-management the Plantation affairs are now lyable to, he proposes that the Board of Trade should be put upon another footing, and amongst other things that the Head of that Board should have personal access to the King, as the Chief of the Treasury and Admiralty have, which is the same thing that was proposed some years ago by the Board of Trade in their general report upon the state of the Colonys. *As to the African Company. Quotes* Report of Board of Trade, 17th March, 1727. *Continues*:—I don't conceive what fruit the African Company can hope from a reference to the same Board upon their new petition *etc. Advises* that the

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Company be left at liberty to present their petition to the House of Commons, and that the Ministry should then take such part in it as may be most consonant to the reason of the thing, and the inclination of the House. The reports of the Board of Trade might then be ordered to be lay'd before the House *etc.* 21 *pp.* [*C.O.* 323, 8. *Nos.* 102, 102 i ii ; *and* (*enclosures only without signature or endorsement*) 5, 4. *No.* 37.]

Dec. 12. No. Carolina. **515.** John Lovick, Secretary of North Carolina, to the Council of Trade and Plantations. *Abstract.* The long contested affair of the boundary between Carolina and Virginia having been settled and the line run in Oct. last, he transmitted to the Lords Proprietors the Journals of the Commissioners, with a plan of the boundary agreed to, " which I had no sooner done than we had the joyful news that their Lordships had surrendered their Province to H.M., which was received here with the most universal satisfaction ; their Ldps. having for many years past thought little of us, and their Governor Sir R. Everard by his weakness and indiscretion had run us into the utmost confusion and disorder and rendered the administration contemptible and odious to allmost every person " *etc.* *Sends* duplicates of said Journals and plan *etc.* *Set out,* N.C. Col. Rec. III. i. *Signed,* John Lovick. *Endorsed,* Recd., Read 8th July, 1729. 1½ *pp.* *Enclosed,*

515. i. Journal of proceedings of the Commissioners for running the line betwixt Carolina and Virginia, March 6—April 6th. With preliminary correspondence between Lt. Gov. Sir R. Everard and Lt. Governor Gooch. *Conclude :—April 6th.* This day the plans and draughts of the line so far determined were interchangeably signed by the respective Commissioners *etc.* (it having been decided to adjourn till the fall, " the hot weather coming on and the season for snakes and other vermin." The Commissioners for Carolina hope it will be approved of by the Lords Proprietors and give a general satisfaction to the country by ending the dispute that has so long subsisted between the two Govmts. and by making such large requisitions to their Lordships' Country, when nothing less than coming to the Wiccons Creek was depended on in Virginia, which would have taken from what is now made this country a tract of land 15 miles wide at Wiccons and so quite back and a great many hundred families *etc.* And had it gone a few miles more northernly that by taking Nansemond River would have given us a port for shipping tobacco which the Virginians by their hard tobacco act have restrained, and would have made this a large and most flourishing country." *Signed,* J.

Lovick, E. Moseley, W. Little, C. Gale. *Same endorsement.* 32 *pp.*

515. ii. Continuation of the Journal of *preceding*, 20th Sept.—7th Oct., 1728. Alter running the line from Currituck inlet to the Southern branch of the Roanoake river, about 170 miles and near 50 miles without the inhabitants, and being of opinion that it was run as far as would be requisite for a very long time, and carrying it further would be a needless charge, the Commissioners for Carolina entered their protest against proceeding further and dissent from any bounds fixed by the Virginians who desired to continue. Plans for the boundary as far as they had gone were drawn and mutually signed, 7th Oct. *Signed as preceding. Same endorsement.* 9 *pp.*

515. iii. Memorandum of plan sent to the Lords Proprietors. " Vide. Book of Maps." *Same endorsement.* 1 *p.*

515. iv. Address of the Council of N. Carolina to the King. Secretaries Office. Dec. 12, 1728. It is with the greatest pleasure we receive the notice of your Majesty's having taken this Government under your immediate direction *etc.* On this happy and joyfull occasion we assure you that we, as well as the people in general, are intirely devoted to your royal person and most illustrious family *etc. Beg leave* to lay before H.M. " the state of this unhappy Province, which tho' of small accompt in respect of some others, yet of late is very much improved," and we have the pleasing prospect from that support of authority and encouragement of our trade and commerce which we do promise ourselves, now your Majesty has taken us under your care, that it will soon become a flourishing Colony and beneficiall to the Crown *etc.* " The government had grown so weak, that without this alteration it could not have subsisted much longer, but must have dwindled and sunk into the utmost confusion and disorder, and we cannot attribute the cause to anything but the great incapacity and weakness of our present Governor, whose behaviour is so extraordinary that every day produces some extravagant action *etc.* We feel oppression and arbitrary power,and assure ourselves your Majesty will not suffer a person to preside over us who has no other notions of Government, than as it gives him power to act as he pleases *etc. Represent* the following instances :—(i) He frequently abuses the Council when sitting ; if he proposes anything, let it be ever so unreasonable or unwarrantable, it must be done ; it we cannot approve of it *etc.*, we are sure of having the worst of language and threats *etc.*, and after

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that he generally leave the Board. He makes for himself what fees he thinks proper, though there is a table of fees established by law, and notwithstanding the Assembly and people in general have complained of his exacting exorbitant fees, he still continues it *etc.*, and declared in open Court that he did not regard the laws of the country at all. It is unexpressible the dayly quarrels that happen about his family, which he seems to make of more weight than the most important affairs of Government; and if he fancies any one is not affected to him or his family (which is a pack of rude children who give offence every day) they are sure upon the least occasion to be severely prosecuted, as very lately happened to a young Gent here, who having disgusted one of the young ones, the Governor took out an action of scandal against him, and laid the damage for £5000 sterl. and gave strict orders to the officer to put him into the common gaol, unless extraordinary good security was found; and withall gave out menacing speeches, that he would see who would dare to be the gentleman's bail, which frightened many, but to prevent so harsh a thing, the Secretary and Attorney General, at last after they had in vain remonstrated, became bail, and thereby drew the Governor's heaviest resentment upon them *etc.* After this he would have this business examined in Council *etc.* We found it only a very idle story of one of the children and begg'd the Governor to drop it, but he held the poor Gent to bail, till our General Court, and then had not one word to say to it, *etc.* He has set up a sort of Inquisition, and when anyone is noted down for an offender, issues his orders or warrant for the servants of the person to attend at his own house, where they are interrogated upon oath before him and his Lady (and if they boggle at the oath they are threatned with the gaol) and the general questions are what they have heard their master or mistress say of the Governor and his family *etc.* Prosecutions have been ordered from these examinations, and if such a practice is not stop'd the consequence may prove very fatal, it being a sure way to lead servants into perjury *etc.* One of the Council undertook to advise the Governour against such a wonderfull proceeding *etc.*, for which he was assaulted by the Governour and received the most injurious language that could be uttered. At other times when he has puzled himself with these family disputes and jarrs, he sends his commands to the Chief Justice to committ or bind over or whatever first comes into his head; and if the

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Chief Justice lets him know he cannot lawfully obey him, then the Judge is immediately threatned with the gaol and suspension *etc.* If anything is brought into Court that concerns even the meanest of his servants, he is sure to be present; and if the Court will not act just in the manner he would have them he immediately puts on a face and lets them know he is Governor, and will protest against their proceedings, and then affronts and abuses them upon the Bench, which exceedingly discourages the Court and spirits on others to do the like, and weakens their authority *etc.* Very lately there being a miscreant prosecuted for cursing your Sacred Majesty and traducing your Government, upon whose tryal the Governor suffered his son (as profligate a creature as the criminal) to be of Council for him; when just as the Judge was going to pronounce sentence, and was telling him the heinousness of his crime, the Governour rush'd into Court and pretending he had business of his own, interrupted the Judge and menaced the Court for not breaking off the business they were upon, to hear him. This instance we should not have been so particular in, if we had not the most convincing reasons before to believe he had not that duty and affection for your Majesty *etc.* all good subjects ought to have; for he has had the weakness as well as wickedness to boast of his being concerned (tho' not publickly known) in the Preston rebellion, and it has been with some difficulty he has been prevented from signalizing the tenth of June with us; and on the much lamented news of the death of our most gracious Sovereign Your royal Father of glorious memory, he with the greatest exultation said upon it with an oath, Then Adieu to the Hannover Family, we have done with them *etc.* *Pray* for relief from such a Governor *etc.* *Signed,* Wm. Reed, Tho' Pollock, C. Gale, Tho. Harvey, Jno. Palin, Richd. Sanderson, Francis Foster, Robert West, J. Worley, Edmd. Gale, J. Lovick. *Same endorsement.* *Copy* (the original sent to the D. of Newcastle). 9 *pp.* [*C.O.* 5, 1267. *ff.* 38, 38*v.*, 39*v.*–55*v.*, 56*v.*, 58–62*v.*, 63*v.*–68, 69*v.*]

Dec. 15.
Boston.

516. Jer. Dunbar to David Dunbar. Proposes to go to Casco Bay and seize timber illegally cut down, as soon as the snow falls *etc.* *Signed,* Jer. Dunbar. *Copy.* 1¾ *pp.* [*C.O.* 5, 898. *No.* 50.]

Dec. 16.
Boston.

517. Arthur Slade to David Dunbar. Soon after my arrival in Boston I took my progress through the woods and

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find the woods in N. Hampshire allmost destroy'd, so that if our Instructions be not supported by an Act of Parliament forbidding the cutting of white pine trees of any dimentions whatever, as well in townships as out of townships, H.M. in few years will have but a small supply of masts out of this Province; I proceeded into Maine and so to Casco Bay where the *America* was loading with masts for H.M. yards. This Province abounds with plenty of white pine trees and white oaks growing on a blewish clay, preferable for plank to any H.M. yards is suppl'yd with from the Eastern parts. I heartily wish the Government would make an experiment therein. *Desires* to know whether these white oaks fit for H.M. service are not also to be preserved *etc.* Asks him to represent to the Admiralty that he may have travelling expenses like former Surveyors *etc.* *Continues*:—Here is a ship of 400 tuns at Piscadaway loading with fine kelson pieces 4in. and 3in. plank, the kelson pieces are from 70 to 50 foot long fine white oak timber and plank preferable to any serv'd into any of H.M. yards in England, this ship loads twice a year to Spain. *Suggests that,* It would be more for H.M. interest to reserve such fine long timber for H.M. own use, which is and will be so much wanted in England *etc.* *Proposes* to visit Caseo Bay *etc.* A small schooner will be needed to attend them in Nova Scotia. *Signed,* Aurthur Slade. *Copy.* 2 *pp.* *Enclosed,*

517. i. Account of (34) masts (8) bowsprits and (20) yards shipped for H.M. service on board the *America,* and of others cut and marked in the woods of Maine. *Copy.* ¾ *p.* [*C.O.* 5, 898. *Nos.* 51, 51 i.]

Dec. 16.
Barbados.

518. Governor Worsley to the Duke of Newcastle. *Refers to enclosures.* *Continues*:—The Assembly the 7th instant did at last condecend to send two Members to me, it being the first time they have done it for this year and half last past, to know my pleasure to what time they should adjourn, whereupon I adjourned them to this day, when they sent again two other Members to know my pleasure to what time they should be further adjourned; unwilling to give them any occasion of saying I have harrased them, and finding, that as the Holydays were near, they had a mind to have a little respite, I adjourn'd them to the 17th of the next month. 'Tis surprizing to me to find the Assembly can complain of long adjournments, which has prevented them from proposing any bills for the advantage of trade, when the very Minutes of this Assembly will shew how often they have adjourn'd themselves, without proposing any bill for that end. *Signed,* Henry Worsley. 2 *pp.* *Enclosed,*

518. i. List of (13) causes at the Grand Sessions of Barbados, 10th—12th Dec., 1728. *Signed,* Wm. Coulthred, Dept. Cl. Coron. ¾ *p.*

518. ii. Address of the Grand Jury, at the Grand Sessions of Barbados, 10th—12th Dec., 1728, to the King. *Express* affection and gratitude to their glorious Benefactor, especially for continuing Governor Worsley, whose enemies themselves must allow to be free from those vices and corruptions some others have been thought too much tainted with *etc. Signed, as No.* iv. 1 *p.*

518. iii. Address of *Same* to Governor Worsley. *Express* satisfaction at the renewal of his very just, equal and mild administration *etc. Commend* his religious care to support the prerogative of the Crown, whilst strictly preserving all those libertys and priviledges which the people here derive from it *etc. Same signatures.* 1 *p.*

518. iv. Address of *Same* to Chief Justice, Samuel Barwick. *Return thanks* for his services, which justify H.E.'s appointment of him *etc.* " As an instance, we ought not to forget that recent one of your Honour's adhering with an unalterable resolution to the express words of his Most sacred Majesty's Royal Instructions in a matter that immediately concerned the Prerogative of the Crown, as being well assured that an attempt to make the least invasion of that sort, would so far tend to subvert our happy establishment, and render us unworthy of those glorious privileges and advantages which we have hitherto enjoyed *etc.* Your Honour's conduct is a proof that persons of the largest possessions (provided they are endued with probity and honour) will always have the true interest of it at heart " *etc. Signed,* John Lewis, Robt. Taylor, Will. Taylor, Wm. Goddard, John Todd, John Griffith, Tho. Bedford, Edwd. Lovell, John Pollard, Saml. Barwick jr., Joshua Ewing, Tho. MacColloch, Joseph Francklin, Thom. Hayes, Phillip Rudder, Joseph Pinge. 1 *p.*

518. v–vii. Duplicates of *Nos.* ii–iv. [*C.O.* 28, 44. *Nos.* 131, 131 i–vii.]

Dec. 16. Barbados. **519.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis. Signed,* Henry Worsley. *Endorsed,* Recd. 19th Feb., Read 20th May, 172$\frac{8}{9}$. 2 *pp. Enclosed,*

519. i–iv. Duplicates of encl. i–iv *supra. Endorsed,* Recd. 19th Feb., 172$\frac{8}{9}$. [*C.O.* 28, 20. *ff.* 127, 127*v.*, 128*v.*–132*v.*]

Dec. 17. New York. **520.** Paul Richard to George (Charles) Delafay. *Announces* death of Col. John Riggs from plurisy. Capt. Richard Riggs immediately went to weight upon H.E. at Burlington for a commission to succeed him *etc.*, and goes to England to solicite your favour in having it confirmed for the good of the family

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etc. Signed, Paul Richard. *Endorsed*, R. 19th Feb. *Addressed.* 1 *p.* [*C.O.* 5, 1092. *No.* 71.]

Dec. 17. Whitehall. **521.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Antigua, 1728, *for making a settlement on H.E. the Rt. Hon. Thomas Earl of Londonderry, during his government and personal residence etc.* [*C.O.* 153, 14. *p.* 406.]

Dec. 18. Whitehall. **522.** *Same* to *Same. Asks for* opinion, in relation to clauses 5 to 7 of Act *to encourage the trade to Newfoundland*, what title the possessors may have to any houses, stages etc. which they claim by vertue of clause 7 ; whether they have an inheritance therein, or only an estate for life, and whether the same be alienable ? [*C.O.* 195, 7. *pp.* 156, 157.]

Dec. 18. **523.** Governor Montgomerie to the Duke of Newcastle. *Acknowledges* Instructions relating to Surveyor General of the Woods and form of prayer for the Royal Family. Encloses copy of his letter to the Council of Trade and Plantations. *Continues* :—If your Grace approves of this way of transmitting my informations I shall continue it etc. Col. Riggs Capt. of one of the Companies here being dead, I have ordered Richard Riggs the Capt. Lieut. to be posted in his place, and Charles Congreve to be Lieut. to my Company. *Prays his* Grace to recommend them for commissions *etc. Signed*, J. Montgomerie. *Endorsed*, R. Jan. 13th. *Holograph.* 2 *pp. Enclosed*,

523. i. Duplicate of letter to Council of Trade, 30th Nov., 1728. 7 *pp.* [*C.O.* 5, 983. *ff.* 10, 10*v.*, 11*v.*–15*v.*]

Dec. 19. **524.** Mr. Fane to the Council of Trade and Plantations. *Reply to No.* 522. I am of opinion that by the words of this clause an estate for life only passes to the possessors and consequently a right of alienation only for that interest, *for reasons given. Signed*, Fran. Fane. *Endorsed*, Recd., Read 19th Dec., 1728. 1⅓ *pp.* [*C.O.* 194, 8. *ff.* 183, 183*v.*, 184*v.*]

Dec. 19. Charles Town. **525.** President Middleton to the Council of Trade and Plantations. *Expresses* his hearty concurrence with the Council in all their proceedings described in their Representation to the King, which, he presumes, will be referred to them *etc. v.* July 2, 1729. *Signed*, Ar. Middleton. *Endorsed*, Recd. 1st. April, Read 16th July, 1729. 1 *p.* [*C.O.* 5, 360. *ff.* 155, 156*v.*]

Dec. 19. Whitehall. **526.** Council of Trade and Plantations to the Duke of Newcastle. His Grace the Duke of Montague having laid before us the copy of a letter which he received from Barbados in relation to Sta. Lucia, and to the consequences which are to be feared, from the French King's subjects taking possession of that Island, *enclose extract thereof for* H.M. directions upon a

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matter of so great importance to his Sugar Islands in America. *Autograph signatures.* 1 *p.* *Enclosed,*

526. i. Extract of letter from John Bennet to the Duke of Montagu. Barbadoes, 14th Sept., 1728. *Concludes;* (*after compliments*), I am able to give the strongest reasons in the world, that if we don't secure that island [*Sta. Lucia*], we shall be outed of all the Charibbees, and consequently of the whole sugar trade. The French be they never so good allies, are the only persons that we are to dread in those parts. *Copy.* 1 *p.* [*C.O.* 253, 1. *Nos.* 36, 36 i; *and* (*without enclosure*) 29, 15. *p.* 105.]

Dec. 20. Whitehall. **527.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following, to be laid before H.M. *Autograph signatures.* 1 *p.* *Enclosed,*

527. i. *Same* to the King. In reply to 18th Oct., represent that, the Fishery of Newfoundland ever since your Majesty's subjects have been possess'd of it, has been esteem'd a very important branch of the British Commerce, it has constantly been the object of the Government's care, has frequently been regulated by Orders in Council and Royal Charters, sometimes by Acts of Parliament, and very particular Instructions are annually given to the Commodores appointed to attend that station for the good Government and regulation of this Fishery. But as my Lord Vere Beauclerk very justly observes (*Oct. 18*), the ill conduct of the Garrison, the disorders of the Inhabitants, the pretentions set up to the best fishing stages under colour of a certain clause in the Act of the 10th and 11th Wm. III, and of titles purchased from the late French inhabitants at Placentia since the Peace of Utrecht, by permission from her late Majesty Queen Anne in exclusion of the fishing ships, the want of sufficient powers in the Commodore for enforcing the several provisions made by the aforesaid Act, and the general contempt of the authority vested by law in fishing Admirals (who are the Captains of fishing ships first arriving in the respective harbours) have reduced the Fishery to a very bad condition, and unless proper remedys be applyed in all probability, we shall in time be entirely deprived of those advantages the Nation has heretofore reap'd from this trade, which besides the profitable returns it has brought us home from foreign markets has been a considerable nursery for sailors and a main support to the British Navigation. Complaints of this nature we have frequently received from the Commodores upon the

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Newfoundland Station, and we have not been wanting in our endeavours to prevent so great a damage to the Kingdom, as the loss of this Fishery would be, by representing from time to time the declining state it was in, and by offering such methods as in our opinion might best contribute to redress the disorders it now lyes under, more particularly by our reports *etc.* March 2, 1716, and Dec. 19, 1718 *etc.* (*enclosed and described*). From these reports, your Majesty may be inform'd that whilst this trade was in a flourishing condition, it was carryed on by Merchant Adventurers only, chiefly from the Western parts of England, that the sailors' wages depended intirely upon the success of the voyage, which ingaged their utmost industry in the Fishery, and the vessels clearing for Newfoundland being obliged yearly to carry out a certain proportion of green men, who had never been before at sea, this trade did greatly encrease the number of our sailors. But these laudable customs have of late been too much neglected to the great detriment of our Trade and Navigation, and one half of this Fishery is at present in the hands of people whose labours do not redound so much as they ought to do, to the advantage of Great Britain. For in process of time certain persons who had no share in the fishing ships, tempted by the advantage arising from this trade, began to embark as passengers with their servants and purchase boats to fish in on their own account in Newfoundland, for which reason they were and still are call'd by-boat-keepers; and these people pay but small regard to the fishing laws. The inhabitants likewise of Newfoundland settled there under the protection of sundry proprietors to whom the Kings of England have formerly made grants of different parts of that island, have long had a share in this Fishery; for your Majesty's Royal Ancestors ever since the reign of King Henry the Seventh have been the lawfull Lords of Newfoundland, notwithstanding the several pretentions and encroachments of foreign Nations. As the fishing ships, sometimes have not been able to export to foreign markets all the fish made by their own boats, and much less what has been taken by the by-boat-keepers and inhabitants, it became necessary that other vessels should attend for that service and these were called sack ships, for it is computed that the by-boat-keepers and inhabitants do, communibus annis, catch as much fish as the merchant adventurers. And there is no manner of doubt that the coast and banks of Newfoundland under proper regulation might afford

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a sufficient harvest, to reward the industry of all persons any ways concern'd in this Fishery. But by the annual returns by the Commodores upon this station we find that these different interests too frequently clash and are detrimental to each other, that the Garrison likewise contrary to your Majesty's express Instructions interfere in the Fishery, that the soldiers retail great quantities of strong liqouers whereby the sailors and fishermen are debauch'd ; that the inhabitants for want of persons properly impower'd to administer justice amongst them in the winter season, frequently pull down the stages erected by the fishing ships, destroy the woods and live in a perfect state of Nature without regard to laws, divine or humane, that most of the regulations of the Act of 10th and 11th Wm. III, for want of penaltys to enforce their execution are become of no effect, that the conduct of the inhabitants and by-boat-keepers is in many other respects highly detrimental to this trade, more particularly, for that by their means, wages, and consequently the price of fish, annually increases, and that considerable numbers of our saylors are every year inticed away to New England by the Factors of that country residing in Newfoundland, who have premiums allow'd for that purpose, and make exorbitant advantages of the necessity the inhabitants are under, whereby this Fishery which in it's first institution was wisely intended to be a nursery of sailors for the service of Great Britain, far from answering that end, is becoming a dangerous drain from the Mother Kingdom to encrease the shipping of a Colony negligent of the Laws of Trade and Navigation, frequently encroaching upon your Majesty's Royal Prerogative, and too much inclined to Independence. These disorders demand a speedy cure, and an entire one cannot be had without assistance from the Legislature ; for which reason by our report of 19th Dec., 1718, this Board humbly offered to his late Majesty certain proposals calculated for that purpose, a copy whereof we now *etc.* humbly submit, that in case the same or any part of them should be approved by your Majesty, timely care may be taken to prepare a bill to the like effect, and leave obtain'd for bringing the same this session into Parliament. There are some particulars however that may be corrected by your Majesty's own authority without the interposition of Parliament, namely the irregularity of the Garrison, and the great disorders committed in the winter season by the inhabitants. As to the present Lieut. Governor of Placentia he has given so

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many occasions for complaint, that this Board has more than once reported their opinion of his conduct; and we would humbly submit, whether it be for your Majesty's service that so disorderly a person and so regardless of your Royal Instructions should be permitted to continue any longer in that employment; and so much the rather because in addition to the many irregularities committed by Mr. Gledhill, we find by some returns this year from the Western Corporations that he has of late entred into the building of ships in Newfoundland, with timber cut out of your Majesty's woods there, which is an offence of very pernicious consequence, and if a speedy stop be not put to it may in time cause so great a destruction that there will not be timber sufficient left to build stages and cook-rooms for the Fishery. But as his removal, in case your Majesty should supersede him, will not cure the evil complained of with respect to the behaviour of the Garrison in general, and as we are of opinion that it may be for your Majesty's service, that a Garrison should continue at Placentia, where fortifications have already been erected at a great expence which, under due management, might not only maintain your Majesty's right of possession there, (too apt to be encroached upon by our French neighbours) but likewise in time of war by any foreign Power be a great protection to the Fishery; we have consider'd how your Majesty's forces there may be reduced to better order and made more subservient than they are at present to the ends for which they were sent thither. And as it appears to us that one of the principal reasons why so little regard is pay'd to your Majesty's Instructions there is, that the Lieut. Governor of Placentia holds himself accountable to none but your Majesty, and thinks himself perhaps secure in being so far removed from your Royal inspection, it would seem necessary, that there should be some cheque or comptrol upon his conduct, and none in our humble opinion could be so proper as the Commodore annually appointed for this station, which might put an end to that competition between your Majesty's land and sea forces, and in great measure, if not entirely prevent the disorders at present charged upon the Garrison, who by this means would become accountable to an Officer incapable of sharing in the profits arising from a connivance at their irregular behaviour, neither are we without precedents in this particular, several Commodores upon the Newfoundland station having heretofore, during their continuance there, been appointed Governors of that Island and Commanders in Chief both of the land and sea forces. And if the Commodores were sufficiently impowered to appoint Judges and Justices of the Peace to decide disputes between the inhabitants and distribute justice amongst them, during the winter season, the miserys of these unhappy people might be much abated, which are great enough from the rigour of the climate and barenness of the soyl (incapable of affording them sustenance) without these additional evils, arising from the state of anarchy they live in. For which reason, as well as in consideration of the damage they frequently do the Fishery, your Majesty's Royal Predecessors have not given them much encouragement to continue there, and regular Governors as in other Colonys have very seldom been appointed for them, notwithstanding many attempts for that purpose in opposition to the fishing interest. In our opinion these poor people should rather be encouraged to settle in Nova Scotia, they are about 3000 in number with their wives and children, and might be of some service both to your Majesty and to themselves in that country, where inhabitants are greatly wanted. By the clause already mentioned in the Act to *encourage the trade to Newfoundland* provision is made for possessors of fishing stages, which had not belonged to fishing ships since 1685, her late Majesty Queen Anne likewise was pleas'd to give leave to the French inhabitants at Placentia, after the Treaty of Utrecht, to dispose of their houses, plantations, and fishing stages to such persons as should be disposed to purchase them; and under these two pretentions so many of the best fishing stages are forestalled by the inhabitants in the most considerable bays, that the fishing ships have frequently been oblig'd to pay considerable rents for them, which is a tax upon that Fishery that ought, if possible, to be remov'd, in all probability if these titles were duly inquired into, as several doubts occur upon the explanation of this Act, many of them would prove defective, and the stages might be again restor'd to the publick, for which reason we would humbly propose that some person skill'd in the Law might attend the next Commodore and assist him to inquire into them in your Majesty's behalf; the same person might likewise be usefull in forming some regulations for the better Government of the inhabitants, during the winter season so long as they shall continue there. And as nothing can so much conduce to the good Government of any Society as the propagation of

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virtue and religion, we would humbly submit whether it may not be proper that the Lord Bishop of London as Ordinary of the Plantations should be directed to send a Clergyman of the Church of England to Newfoundland for that purpose, whose sallary (if needful) may be added to the establishment of the Garrisons of Placentia. [*C.O.* 195, 7. *pp.* 157–175; *and* (*covering letter only*) 194, 23. *No.* 35.]

Dec. 25. **528.** Petty expenses of the Board of Trade from Michaelmas to Christmas. 6 *pp.* [*C.O.* 388, 79. *Nos.* 35–38.]

Dec. 26. Nevis. **529.** Governor the Earl of Londonderry to the Council of Trade and Plantations. *The following* is a duplicate of a paragraf of the letter I did myself the honour to write to you of the 30th Sept. last, relating to the bill, now I presume before your Lordps., for ascertaining the number of Assemblymen to represent the French lands of St. Christophers, and I give your Lordps. the trouble of this purely (as I think my duty) to lay before you in the best manner I can, the points which I conceive to be in it contrary to H.M. Instructions, and therefore I take the liberty to observe that that act and the Vestry act passed just before it, has in some degree introduced a new frame of Government, the one of which divides the whole island into nine parishes, and the other settles the right of elections of members to serve in the Assembly, and doubles their former number. The Act for ascertaining the number of Assemblymen is in many things I conceive contrary to H.M. Instructions, and to the laws of England, and to that Island *etc.* First I conceive it to be a law of a very new, and extraordinary nature, and therefore ought not to have been pass'd, without a suspending clause till the King's pleasure should be known. Next, it confer'd a right to persons to elect and be elected to serve in Assembly, who were not freeholders, when no such thing had ever been practized before in that, or any other islands of this Government, which was I conceive against the express law of all of them as well as the King's Commission that allows that priviledge to none but freeholders. It likewise allows a right to denizens to be elected, which was directly contrary I conceive to the laws then in being in that island and to the laws and usuage of Parliament in Great Britain. It also repealed a particular law of that Island, and therefore by the King's Instructions ought not to have taken effect untill H.M. pleasure had been known upon it. It likewise disables almost all the King's servants in that Island from serving in Assemblys or concerning themselves about the choice of Assemblymen, which I apprehend will prove of great prejudice some time or other to H.M. service there. The other law called the Vestry act *etc.*, which is only prefatory to this, is so obscurely and ambiguously worded, that

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it will probably be the occasion of many disputes, and contentions in the Vestrys, and likewise on elections for Assemblymen; for instead of describeing the bounds of the Parishes by mens possessions (which would have been the most obvious, and intelligible way) it describes them by geometrical lines which few persons are capable of apprehending. And besides it is done I conceive by such uncertain words that many disputes have already arisen, and most people are at a loss to find out the bounds of many of the parishes. My Lords, as the approveing or not approveing this law, will not make me one jot more easy or uneasy in my Government, so I am indifferent about the fate of it; but the regard which ought alwayes strickly to be had to H.M. Instructions makes me think it an indispensible duty on me to lay this before your Lordps. *Corrects statements in encl. i,* for the Assemblies were annual before and the writs by this act are issued as usual, only that the Chief Govr. is now obliged to direct them to Councillors according to seniority; and before he was left at large to direct them to any of the Councillors as he thought fitt *etc. Signed,* Londonderry. *Endorsed,* Recd. 11th, Read 28th March, 1729. 5 *pp. Enclosed,*

529. i. Extract of letter from *Same* to *Same.* Antigua, 30th Sept., 1728. I should be very much obliged to your Lordships if I could soon know your opinion of *abovementioned* Act *etc.* For tho' 'tis highly necessary that that part of the Island should be represented, yet I cannot but conceive the methods prescribed by the bill must be liable to many objections, as they clash with H.M. Instructions; for *etc.* there are contained therein sundry things of a very new and extraordinary nature, such as ascertaining the number of Members to be elected, how many each town or district shall return, excludeing the King's Officers, even those who have patents for life, and laying them under severe penaltys if they meddle in elections, the makeing the Assembly annual, and prescribing the manner of issueing writts contrary to their usual practice; and contrary to that of the other islands of the Government, with a great many such like things, wherein the King's prerogatives may be greatly concerned. Wherefore I apprehend that bill ought not to have taken place, till confirm'd by H.M., and as I shall be very unwilling to call an Assembly there under that law till I know yr. Lordps'. opinion about it, I question not, but I shall have the honour of your answer as soon as possible. $1\frac{3}{4}$ *pp.* [*C.O.* 152, 17. *ff.* 23–26*v.*]

Dec. 30.
Barbados.

530. Richard Lightfoot to the Council of Trade and Plantations. *Encloses* "a list of those people which Mr. Worsley and his trusty friends have been pleased to pick out from ye of scourings of ye people to serve as Grand Jury men, and to address his most sacred Majesty" *etc.* I have sett down two Genteilemen who were made of ye petit Jury whose estates will purchase all ye Grand Jury, and a list of seventeen who were thought not propper to serve because they were persons of great estates and men of worth, and honour. This serves only to shew your Lordships how easy tis to represent ye generallity of ye island a factious discontented murmuring people and render them undeserving of H.M. favour *etc.* *Signed*, Richd. Lightfoot. *Endorsed*, Recd. 7th March, Read 20th May, 1729. 2 *pp.* *Enclosed*,

530. i. List of those who were thought proper and improper to serve on the Grand Jury for the Sessions of 10th Dec., 1728, with the number of negroes owned by each. The former, totalling 17, owned 246 negroes amongst them, whilst two members of the Petty Jury, Othniel Haggot junior (170) and John Lyte (75) owned that number. Seventeen gentlemen who were not summoned to serve on the Grand Jury and are not members of the Council or Assembly are named, who owned altogether 6339 negroes as follows:—Samuel Osborne (1000 negroes and 10 women), Alexander Walker (548 and 6), Conrade Adams, Joseph Dottin, John Alleyne, John Ashley, John Gibbons, Burch Hothwell, Robert Warren, James Hannay, John Holder, Thomas Davers, Thomas Maxwell, James Hasell, Robert Jona. Osbourne, Thomas Merrick, Abell Alleyne. *Endorsed*, Recd. 7th March, 172$\frac{8}{9}$. 1 *p.* [*C.O.* 28, 20. *ff.* 133, 134–135, 136*v.*]

Dec. 31. Whitehall. **531.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, act of Virginia, *to enable William and Thomas Farrer to sell certain entailed lands etc.* [*C.O.* 5, 1366. *p.* 11.]

Dec. [—]. Whitehall. **532.** [*Duke of Newcastle*] to Lt. Governor Gooch. *Acknowledges* receipt of letter *etc.* of June 9. *Continues*:—The Acts of the Assembly will be laid before H.M. in Council, assoon as they have pass'd the consideration of the Lords Commrs. of Trade. I have moved H.M. in the case of Sarah Williamson *etc.* *Encloses* copy of H.M. Warrant for inserting her in the next Newgate pardon *etc.* As to the petition concerning stemmed tobacco, can say nothing on that head till it has undergone a proper examination. *Concludes*:—I have laid before the King your request, that you may be allowed to accept a present of £500 currt. money of Virginia *etc.*; but in regard there is so clear and explicite an article of your Instructions forbidding you to receive any gift from the Assembly or others (*quoted*), H.M. can by no means consent that this

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Instruction should be broke thro'. You are sensible it was framed in order to prevent many inconveniences formerly arising in the Plantations on that account; and if it could be dispensed with in your case, it would be a very ill precedent for others, who being under the like circumstances would undoubtedly expect the like favour. *Without signature. Draft.* 2½ *pp.* [*C.O.* 5, 1337. *No.* 45.]

Dec. [—]. Whitehall. **533.** *Same* to Governor Hunter. *Acknowledges* letters of 10th Feb., 4th, 17th and 18th May and 3rd Aug., which he has laid before H.M. *Continues*:—The King intirely approved your conduct and was very well pleased with the behaviour of the Assembly in their past session. The bills you sent lye before the Board of Trade, and no time will be lost in laying them before H.M. in Council *etc.* Your being able to get the Revenue bill past in the manner that had been prescribed to you, gave H.M. a good deal of satisfaction, as did also your having procured the exemption in favour of the South Sea Company in that which lays a duty upon the negro trade. I presented the Assembly's Address to H.M., who was pleased to accept in the most gracious manner the professions it contains of their duty and loyalty. The King was concerned to find by your last letter, that any incident could occasion the same Assembly, which seemed to open their second session, with the like good disposition, for H.M. service and the welfare of their country, to break up in some confusion without dispatching the business that lay before them, tho' relating purely to the particular interest of their Colony; however H.M. hopes upon cooler reflection they will meet again with such firm resolutions to attend seriously to the service of their country, that their next session may prove more successfull. And I am glad to find by a subsequent letter of yours of the 13th September to Mr. Delafaye, that you have ground to hope they will meet in a better temper. As to what you mention in that letter concerning Mr. Ayscough etc., I have referr'd that part of it to the consideration of the Board of Trade, and assoon as I receive their report, will lay it before H.M.; I have at the same time recommended to them the dispatch of their representation to H.M. upon the Revenue bill, and the Sugar bill, which are under their consideration. The King was very well pleased with your laying before him so freely, your thoughts of the provision necessary to be made for the administration of the Government in case of your death, which H.M. hopes for the good of his service, and of the Island entrusted to your government, will not happen in many years; and H.M. intends to grant a dormant commission to Colo. Gommersel, whom you recommend, to take that trust upon him in case of such an accident. H.M. has also consented to Mr. Forbes being of the Council in the room of Mr. Pusey *etc.* As to what you mention of the depredations of the Spaniards *etc.*, which they continue notwithstanding their having received the King of Spain's orders for the execution of the preliminaries; I have nothing in command to add to what my Lord Townshend, by H.M. order, wrote to you 15th Sept. *etc.* H.M. has ordered the strongest representations to be made upon this subject to the Court of Spain, which it is to be hoped will induce them to send effectual orders to their Governors in America for the putting an end to these pyratical proceedings. *Draft.* 3½ *pp.* [*C.O.* 137, 53. *ff.* 94–95*v.*]

[? 1728]. **534.** [? *Mr. Allen*] to the Honble. Augustus Schutz. The case of P. Gordon Esq. Governor of Pensilvania. *Repeats gist of* C.S.P. Nov. 24, 1727. *q.v.*, *adding,* the Treasurer appointed for receiving said £2000 died before Sir W. Keith came to that Province, whose widow not being able to make out the whole sum assigned to him a tract of land of 2000 acres *etc.* and paid him the remainder in specie. Keith still holds the said land as his own property (by means of which he has a right to be elected a Member of Assembly where he does all the mischief he can, and if he was dispossessed thereof he could not be chosen) and has not accounted for one farthing of the money he received *etc.* *Refers to letter* and enclosure of Nov. 24, 1727. *Concludes:*—Governor Gordon in a letter to Mr. Allen desired your favour in applying to the Duke *etc.* Mr. Allen attended several times at the Duke of Newcastle's office, but never could get an answer. *Without date or signature.* ¾ *p.* [*C.O.* 5, 1233. *No.* 65.]

[? 1728]. **535.** Petition of Col. John Staunton to the King. On returning from Spain petitioner sent several persons to recover the estate in Antegoa left to him by Col. Thomas Foxon (*v.* C.S.P. 1727), of which the steward and the Treasurer of the Island had combined to make a fraudulent sale, but the possessors found means to hinder any prosecution, having feed all the lawyers on the island and bribed off the persons so employed. Petitioner finding about a year past the present possessors in London, commenced a suit against them in the High Court of Chancery. They put the proof of the fraud of the said sale on petitioner, who took out a Commission in Chancery to examine witnesses, *etc.*, and personally did goe with it to Antegoa, and appointed a time and place for sd. Commissioners and witnesses to appeare, but three of sd. Commissioners refused to act or obey any Commission issued from the High Court of Chancery, and the possessors also feed all the lawyers that were then on the island to hinder petitioner's filing a bill in equity against them. He was then advised to get the depositions of such as would voluntary make them before the Governor, and to have the Great Seal affixed to them with

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a certificate under the General's hand of sd. fraud and value of sd. estate, wch. was accordingly done, and gave notice to one of the Possessors' Council and Manager that petitioner would proceed in that manner and petitioner did also record sd. depositions in the Public Register's Office kept in Antigua. Petitioner is advised that depositions so taken is good evidence before your Majestie and Councill, and it's also taken for evidence in all causes yt. are tryed in the Courts at Antigua. *Prays that* the case may be heard and parties summoned to appear before H.M., said depositions being admitted. *Without signature, date or endorsement.* 1¾ *pp.* [*C.O.* 7, 1. *No.* 31.]

1727–1728. **536.** Memorandum of Representations from the Council of Trade and Plantations to the Duke of Newcastle, June, 1727–1728, and of some previous reports, 1717–1724. 6 *pp.* [*C.O.* 5, 4. *Nos.* 33, 33 i.]

[? 1728]. **537.** Petition of Sir Wm. Keith to the King. *Abstract.* New Jersey is capable of great improvement in its trade and products. Being committed to the care of the Governor of New York, it has been unable to obtain the laws and regulations necessary for its improvement, because the interests of the two independent Colonies so frequently interfered with each other, that the Governor's duty to both became incompatible. *Continues* :—" The poor industrious people of Jersey have some time since petitioned *etc.* for a particular Governor to reside amongst them, whom they are both able and willing to support *etc.* The Governor of New York scarcely receives from Jersey a sufficiency to defray the continual expence of his attendance. *Prays* to be appointed Governor, having served as Governor of Pennsylvania *etc.* *Without date.* 1 *p.* [*C.O.* 5, 980. *No.* 45.]

[? 1728]. **538.** Memorial to same effect as preceding, in favour of appointing Sir W. Keith, " so well known and liked among the people." *Concludes* :—Such an appointment would be universally acknowledged as a most reasonable condescention to the relief of these poor people, who groan under the oppression of haveing their product, industry and trade miserably hamper'd and confined to be subservient to the interest and will of their opulent and powerfull neighbours." *Without date or signature. Endorsed,* Sir Cha. Wager. 1½ *pp.* [*C.O.* 5, 980. *No.* 46.]

[1728]. **539.** Some considerations upon the assistance that may be expected from the British Colonys, particularly those in the Continent of No. America in any Expedition agt. the Spanish West Indies. I do not apprehend that the Crown has a right to command the inhabitants of British Plantations, to march or sail upon any expedition out of their own Provinces. But as the Colonies have all of them establish'd Militias, the Crown has frequently fix'd the proportions of men, which they shou'd respectively contribute to their common defence *etc.* *Quotes* Instruction to the Governors of New York and refers to Sir William Phipps' and General Nicholson's expeditions against Port Royal. *Continues*:—In 1703 the Massachusetts Bay sent two companys to the assistance of Jamaica, then in danger of being invaded. *Refers to* Expeditions against Conada 1710, 1711 and the contributions made by the Colonies at them. *Continues*:—But I am very doubtfull whether any such assistance can be expected from the British planters on the Continent towards any expeditions against the Spanish West Indies. And if any number of voluntiers should be furnished by them for that purpose, I am still farther doubtfull, whether they can be much depended on in service. For I have been assured by an Officer of distinction, who served in the expedition under Pen and Venables, that the attempt upon Cuba, prov'd abortive, more from the irregularitys and great disorders of their American voluntiers, who were about 2000 in numbers, then from any other cause. And indeed, whoever has served with voluntiers got together occasionally, must know, that they never did, nor ever will act in proper concert with regular forces; nor even with themselves; as is evident from all the proceedings of the Bucaniers in America, who for want of such concert, and of a regular scheme, almost constantly lost the fruit of those advantages, which they reaped in the Spanish West Indies; tho' they were always a terrible thorn in the sides of the Spaniards. These voluntiers however may be of use to annoy the ennemys coasts, and to divide their forces, they may also help to keep possession of any place or country, that may fall into our hands by the chance of war; provided it be made worth their while to continue there. For their service will always be determined by their interest, and it must be consider'd, that there are very few vagabonds, very few useless hands in our Plantations, and consequently very few people to be found, that will for any continuance of time, be induced to leave a certain settlement, for an uncertain one. Tho' it may probably happen, as it has done formerly, that the hopes of plunder, may alure the seafaring men, to become adventurers in any expedition. We must not therefore depend too much upon our American voluntiers; but it will certainly be right to call upon the Colonys for their assistance, in this just and necessary war *etc.* That may properly be done, by directing the several Governors of H.M. Colonys, as well upon the Continent as in the Sugar Islands, to recommend to their respective Assemblys without loss of time, to raise what number of Forces they are able, to joyn those of H.M., at a day and place prefix'd for that purpose; in order to assist and be employ'd in such Expeditions against the enemy, as by the Commanders in Chief of the King's Sea and Land Forces, shall be thought most expedient; promising all suitable rewards and encouragements to such, as shall pay obedience to orders, and behave well in H.M. service. And that the said Governours respectively do assure their Assemblys, that they cannot possibly render a more essential service to H.M., to their Mother Country, or even to themselves, then by chearfully and speedily complying with the said recommendation. And that no time may be lost in the dispatch of this important affair, the Govrs. may be directed also to issue Proclamations, to the like effect, inviting all voluntiers to the said rendezvous. But I apprehend, that adventurers upon their own account, will rather choose to take their chance in privateers, then joyn the King's Forces and put themselves under the directions of H.M. Admirals and Generals; especially after the encouragement given to privateers by the bill now depending *etc.* *Encloses* copy of Proclamations by Governor Dudley in 1710, 1711 to serve as precedents. Stocks of arms and clothing *etc.* should be lodged at the rendezvous before the arrival of the American auxiliaries *etc.*, and as an inducement to recruits samples should be sent by the first opportunity to America. A proper person should be sent to purchase provisions in the Northern parts, where they are to be had at reasonable rates. *Continues*:—If that person were a man of some figure and reputation in America, he might make the tour of the several Governments, sollicit the execution of H.M. orders, raise a proper spirit in the people, and send regular accounts home of their proceedings in this behalf. There is at present a Gentleman in England, lately come from the West Indies, an old Officer in the Army, a man of great fortune in the Leeward Islands, of known bravery and experience in West India Expeditions, one Colonel Morrice, with whom I have no acquaintance *etc.* If he could be engaged to undertake this task and also to take command of these voluntiers; no man cou'd be more proper. To speak plainly, few people will care to embark upon an unknown Expedition, without a known leader; and therefore in all her American Expeditions, Queen Anne made use of Col. Nicholson, a man of good reputation (tho' of moderate parts) who had lived many years in those countrys, and was esteemed by the people. Transport may easily be had, but must be provided without loss of time *etc.* *Continues*:—We must not hope for much assistance from either of the Carolinas; I beleive the Spaniards will probably find them business enough at home; a Proclamation lately published at St. Augustin has drawn many of their negroes from them, in hopes of being enfranchised; and the rest are ripe for rebellion; so that it is really now come to that pass, that either the people of Carolina must take St. Augustin or St. Augustin will take them. *Proposes* as many officers as possible should be collected, " who have formerly served in American Expe-

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ditions. There are some in Col. Philipps' Regiment, particularly one Major Mascareen who has great credit with the people of New England. Philipps's Regiment, the four Independent Companys in New York, and Dalzell's Regiment in the Leeward Islands, should furnish a number of serjeants and corporals to discipline the American voluntiers; and encouragement may be given to any old Officers now out of the service" *etc.* *Refers to* those who served with Col. Codrington against Martinique *etc.* *Without date or signature.* 11 *pp.* [*C.O.* 5, 4. *No.* 36.]

[? 1728]. **540.** List of Members of the Bahama Company. *Same as* C.S.P. Nov. 1, 1723 *with addition of*, Edward Carteret; Col. Thompson; Mr. Heath. ½ *p.* [*C.O.* 23, 12. *No.* 96.]

[? 1728]. **541.** Remarks on the Island of Providence [? by Charles Delafaye]. Based on reports given above. 1¾ *pp.* [*C.O.* 23, 14. *ff.* 72, 72*v.*]

COLONIAL PAPERS.

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Jan. 2.
Whitehall.

542. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expenses and Officers' Salaries for quarter ending Christmas, 1728. Accounts annexed. [*C.O.* 389, 37. *pp.* 296, 297.]

Jan. 4.
Navy Office.

543. Sir Jacob Acworth to Mr. Popple. In reply to Dec. 11th, does not see anything wanting in the proposed bill, except that to the clause restraining the cutting of any mast forbidden by the act of 8 William III, should be added, unless such as were "the property of any private person before the passing of the said Act." *Signed,* Ja. Acworth. *Endorsed,* Recd. 6th, Read 9th Jan., 172$\frac{8}{9}$. 1 *p.* *Enclosed,*

543. i. Copy of bill prepared for *the better preservation of H.M. Woods etc.* $4\frac{1}{3}$ *pp.* [*C.O.* 5, 870. *ff.* 142, 143–145, 147*v.*]

Jan. 6.
North
Carolina.

544. Declaration by Lt. Gov. Sir R. Everard. All the misunderstanding's between me and the Assembly and other Gentlemen of good note were owing to the calumnies and false informations given me by Chr. Gale and John Lovick and Wm. Little at my arrival, I find these gentlemen of whom they gave me characters the reverse, persons of great probity and much sincerity *etc.* If any act of Government has in the least proved detrimental to the welfare or repose of the Province it has been owing to their advice *etc.*, who have always been enemies to the quiet of the country *etc.* *Printed,* N.C. Col. Rec. III. 5. *Signed,* Richard Everard. *Endorsed,* Recd. 15th, Read 26th Aug., 1729. 1 *p.* [*C.O.* 5, 1267. *ff.* 99, 99*v.*]

Jan. 7.
St.
Christophers.

545. Governor the Earl of Londonderry to the Council of Trade and Plantations. *Transmits* Act of Antigua, *to supply defects of an Act for constituting a Court of Chancery, and for holding Courts of Chancery in the absence of the Commander in Chief, and for regulating Chancery proceedings etc.*, "which I gave my assent to 12th Oct. last; however with a clause suspending it's taking effect, untill it shall receive the Royall assent." *Continues:*—The reason of passing this Act was, to remedy many inconveniencies, the people of Antigua have sustain'd, which were not provided against in the Chancery

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Act of 1715 *etc.* *Refers to* Preamble. *Continues:*—By the former Act no Court of Chancery could be held without the Chief Governor was personally present, to joyn the Council of that island, and by the present Act the Chancery Court can be held, in his absence, by the Lieut. General and five or more of the Council, and in the Lieut. General's absence by the Lieut. Governor or any five or more of the Council, and in the Lieut. Governor's absence by the President of the Council or any five or more: so that the business of the Court will go constantly on *etc.*, which otherwise, from the frequent, and unavoidable absence of the Chief Governor must be subject to great delays, and prolonging of suits, which is no small greivance to a people. By the former act, all process of Chancery, fees, and perquisets of the Great Seal were reserved to the Chief Governor, and so they are now, but this law enacts that the Chief Governor is to leave with the Secretary, before his departure from the island, blank subpœnas, attachments, injunctions etc. sign'd and sealed, who is to fill them up, from time to time, during his absence, according to the rules of the Court of Chancery, and who is made accountable for the fees to the Chief Governor, and by this means, My Lords, business will go regularly on, and the suitors of the Court will be saved the charges of sloop hire in following the General, for the great Seal, when he is absent, which is no small article; and also freed from the danger of loosing their process, as well as exposeing their persons, which men are often liable to, who frequent these seas. There is another defect remedyed by this Act, and that is relateing to injunctions. Injunctions by the former act were construed so to belong to the Chief Governor, as usuall, before the passing that law, that very frequently it has happen'd that an injunction that had been dissolved by the Governor and Council at Antigua, as the Court of Chancery, has been upon application to the Chief Governor, in another island, revived by him alone; so that the contrary orders and rules have been made, and very great delays and charges thereby accrued to the suitors of the Court. Now, this act provides, that all injunctions shall be filled up by the Secretary, as shall be particularly ordered, by the Court; and that no injunction granted by the Court of Chancery shall be dissolved by the Governor alone; nor any injunction dissolved by the Court of Chancery shall be revived by the Governor alone; which I apprehend to be a reasonable thing, since the Crown has been pleased to permitt the Councillours, for the time being, at Antigua to compose with the Chief Governor that Court, and it is also (I think) My Lords preventive of any favour or partiallity, which a too loose or incautious way of granting injunctions, has often render'd that process suspected off. There are other matters in the Act—such as when the Court is equally divided, the youngest Councillour is to withdraw, that a determinate decree may be had—that but one rehearing shall be granted, upon any cause, in whole or part—that when the summ appealed for, shall be controverted, as not amounting to the summe H.M. permits appeals for ; appraisers shall be chosen, who are under a penalty to return upon oath the value of the thing in contest, in five days *etc.*, *which appear* to be so consistent with Justice that I will not trouble your Lordships with any reasoning upon them. I assure your Lordships, the main motive that induced me to pass this act, was only to render the intention of the Crown, in the former act, effectuall, by cureing the inconveniencies, that were not foreseen *etc.* No mischiefs can spring from my passing it, because there is a suspending clause in the act, which I shall always take care to insert in bills, that contain anything of a new and extraordinary nature. *Signed,* Londonderry. *Endorsed,* Recd. 17th, Read 19th May, 1729. 2$\frac{2}{3}$rd *pp.* [*C.O.* 152, 17. *ff.* 53–54*v.*]

Jan. 7. **546.** Mr. Dunbar to Mr. Popple. To same effect as following covering letter. *Signed,* David Dunbar. *Endorsed,* Recd. 8th, Read 9th Jan., 172$\frac{8}{9}$. 1 *p.* *Enclosed,*

546. i. Copy of letter from Jer. to David Dunbar, Nov. 27, 1728. [*C.O.* 5, 870. *ff.* 148, 149–150, 151*v.*]

Jan. 7. Clarges Street, Picadilly. **547.** Mr. Dunbar to Mr. Delafaye. Was prevented by illness from sailing last summer, but dispatched his brother as his deputy as Surveyor General of the Woods. *Encloses* his letter. Hopes to sail "by the first ship which usually goes about the middle of next month." *Continues* :—I am told it would be much for the service if I was in the Commission of the Peace wherever my Commission may carry me, and if admitted of the Council in New England particularly it would give me some authority among them people who seem too regardless of any *etc.* I will wait upon you to know His Grace's pleasure *etc.* *Signed,* David Dunbar. 2 *pp.* *Enclosed,*

547. i. Jeremiah Dunbar to David Dunbar. Boston. Dec. 4, 1728. Has sent Mr. Armstrong and Mr. Slade into the woods in N. Hampshire and Maine to take care of the timber to cut for H.M. use. Is about to go with Mr. Armstrong to Casco Bay where the Contractors are at work *etc.* Refers to following. The Assembly have within these two years granted several townships, on purpose to evade the Act of Parliament whereby they are prohibited from cutting timber without townships. *Signed,* Jer. Dunbar. *Copy.* 1 *p.* *Enclosed,*

547. ii. R. Auchmuty (Advocate General, Mass.) to Jeremiah Dunbar. 4th Dec., 1728. Report upon the law relating to H.M. Woods. *Signed,* R. Auchmuty. *Copy.* $3\frac{1}{2}$ *pp.*

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547. iii. Robert Armstrong to Jeremiah Dunbar. Portsmouth, N.H. Nov. 23, 1728. *Describes* evasion of Act *for preservation of pine trees* by the granting of new townships containing vast tracts of land, and draws attention to the export of ship's timber to Spain and Portugal, thus depriving our Navy of noble timber and supplying possible enemies *etc.* "Here is a large ship bound for Spain to load with plank and timber *etc.* The owners saith that masts, yards and bowspritts which was formerly inumerated with pitch, tarr, turpentine *etc.* by the Act of 3rd and 4th Queen Anne, being expired, by order from the Commrs. of the Customs bonds formerly given for masts, yards, pitch, tarr etc. are to be omitted and that they may be transported anywhere without, by which they are of the opinion they may carry masts, yards and bowspritts to Cales as well as plank and timber; this will prove of ill consequence if not prevented at home. But I shall take speciall care for the future that none shall be exported till I hear from home." *etc.* *Signed,* Rt. Armstrong. *Copy.* 2½ *pp.*

547. iv. *Same* to Col. David Dunbar. New Hampshire Nov. 24, 1728. Assures him of his zeal and refers to his former letters *etc.* *Signed,* Rt. Armstrong. *Copy.* ¾ *p.*

547. v. Thomas Haley to Col. D. Dunbar. Boston, Dec. 5, 1728. The rigour of the season prevents Mr. Dunbar and self attending our duty in Nova Scotia *etc.* The people here insinuate difficultys in (*our*) making surveys in that part from the treachery of the Indians but we will endeavour to surmount every difficulty *etc.* *Signed,* Thomas Haley. *Copy.* 1 *p.* [*C.O.* 5, 10. *Nos.* 12–17.]

[Jan. 10]. **548.** Petition of Abraham Meure to the Council of Trade and Plantations. Desires a certificate of the time Lt. General Mathew acted as Commander in Chief of the Leeward Islands, with a view to obtaining his salary *etc.* *Endorsed,* Recd. Read 10th Jan. 172$\frac{8}{9}$. ¾ *p.* [*C.O.* 152, 16. *ff.* 367, 368*v.*]

Jan. 11. **549.** Mr. Fane to the Council of Trade and Plantations. *Reply to* 17th Dec. 1728. Has no objection to Act of Antigua *for making a settlement* on Lord Londonderry *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 13th, Read 15th Jan., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 152, 16. *ff.* 371, 372*v.*]

Jan. 11. **550.** *Same* to *Same.* Has no objection to Act of Virginia, 1728, *to enable William and Thomas Farrer to sell certain entailed lands etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 13th Jan., Read 13th Feb., 172$\frac{8}{9}$. ½ *p.* [*C.O.* 5, 1321. *ff.* 98, 99*v.*]

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Jan. 14.
Plantation Office, Whitehall.

551. Certificate as to length of time of Lt. General Mathew's government of the Leeward Islands. (*v.* 10th Jan.) *Signed,* A.P. 1 *p.* [*C.O.* 152, 16. *ff.* 369, 370*v.*]

Jan. 14.
Whitehall.

552. Mr. Popple to Mr. Fane. Presses for report on Jamaica laws. (*v.* C.S.P. 1728. 30th July.) [*C.O.* 138, 17. *p.* 260.]

Jan. 15.
Whitehall.

553. Council of Trade and Plantations to the King. *Representation on reference of Oct. 6th* 1728 *q.v. Continue* :—The preservation of your Majesty's woods in America is a matter which we have at all times thought of very great consequence to this Kingdom, and have represented the same in several reports *etc. Refer to* report of 20th March. *Conclude* :—As to the building a fort at Casco Bay for the protection of ships whilst they are loading masts there, we humbly conceive, that service may be as well perform'd by one of H.M. ships of war station'd in those parts ; and we are of opinion, that the building a fort, as proposed, will be too great an expence for a temporary service, for so soon as the masts shall have been cut down in the neighbourhood of Casco Bay, the same reasons wou'd hold as good for building a fort in another place. [*C.O.* 5, 916. *pp.* 175–177.]

Jan. 15.
Jamaica.

554. Governor Hunter to the Council of Trade and Plantations. In pursuance of H.M. orders and my duty I have been hard at work in putting this island in some state of safety from insults or surprize, by a better regulation of the militia and forts, and putting the places or posts of danger into a better state of defence ; the inclos'd copies of ye Minutes and Resolutions of the Council and Council of Warr, will in some measure inform your Losps. of our endeavours for that purpose. *Refers to* enclosed account of stores of war. *Continues* :—Before I left Engld. I had made application to H.M. for what of that kind I judg'd necessary *etc.*, and left the solicitation of it to Coll. Lilly whom H.M. had appointed our Ingeneer. That gentleman has been with great impatience expected a long time. I am however going on as well as I can without him. The settlement at Port Antonio goes on with successe. That harbour by all accounts as well of the King's Officers as others is the best and safest in America. I have at the request of the setlers there sent thither six piece of Ordnance for countenance and security to that infant settlement. The planters will mount them and throw up a breast work at their own cost till a fort be raised there. The Assembly is to meet here on the 22nd instant. They are say'd to be cooler. I know not what effect the diss-appointment as to their sugar bill may have when they meet, but am well perswaded that it had its rise from those who had no other view but to obstruct or puzle the public affairs tho'

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many unwary honest men gave in to 't. H.M. approbation of the laws pass'd and transmitted to your Losps. will go a great way in setting matters to rights and upon a better footing. As soon as I can have the accounts of the numbers of ye people and the slaves perfeeted I shall send them. I shall in every thing within my power act for H.M. service and the prosperity of the Island *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 25th April, Read 21st May, 1729. *Holograph.* 2 *pp.* *Enclosed,*

554. i. Minutes of Council of Jamaica, 7th Jan., 1728(9). *Endorsed,* Recd. 5th April, 1729. 3 *pp.*

554. ii. Minutes of Council of War, St. Jago de la Vega, 7th Jan., 1728(9). *Endorsed as preceding.* 3 *pp.*

554. iii. Account of stores of war and Ordnance at Jamaica and of stores of war wanted. *Endorsed as No.* i. 2 *pp.* [*C.O.* 137, 18. *ff.* 1, 1*v.*, 2*v.*–8.]

Jan. 15. Jamaica.

555. Governor Hunter to [*? Lord Townshend*]. On the 16th of last moneth by the *Successe* I had the honor of your Losps. letter with H.M. orders to put this island into such posture as may obviate insults or surprize. I had indeed been labouring hard to that effect before, what has been done since the inclosed copies of the Minutes of Council, and Council of Warr will in a good measure inform you ; the Militia here was in the greatest disorder, partly by the long interruption of the course of laws and in a good deal from commissionating of some of no rank or weight formerly which made those who were of ye other sort decline the service. I hope I have remedy'd that and we are now in a fair way of having a better Militia which is indeed our chiefe strength. I have long expected the Engineer appointed, but am going on as well as I can without him. I can hear of no preparations of the Spaniard on this side, neither have they since the departure of ye fleet from Havana more then six ships of warr left here. I shall do my best in everything within my power that H.M. service here suffer nothing whilst I have the honor of this trust *etc.* *Signed,* Ro. Hunter. *Endorsed,* 5 Apr. *duplicate.* *Holograph.* 2 *pp.* *Enclosed,*

555. i. List of stores of war *etc.* remaining and wanting at Fort Charles in Port Royal. 1 *large p.* [*C.O.* 137, 47. *Nos.* 1, 1. i.]

Jan. 15. Jamaica.

556. Governor Hunter to Mr. Popple. *Repeats part of preceding.* *Continues* :—In case of a rupture I have been strugling hard to bring the Militia into some order which was in the greatest confusion by means as it is alledg'd of the corruption of the Secretarys of some former Govrs. who had worthless men put into these posts for a little mony with whom these of rank would not serve. I hope that is remedy'd and I have no reason to be dissatisfied wth. what I have seen at several reviews. *Refers to* his difficulty in getting a Quorum

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of the Council, *as* 8th March *q.v.* *Continues:*—Mr. Pusey's seat is vacant by the General Instruction by his long absence *etc.* I have wrote to the Agent to beg some order from the Secy. of State for Warr for my conduct in case of vacancy's in the Commissions of the two Companys. For in this country it may so fall out that a Corporal may be the Commanding Officer till I receive orders from home which come not with great expedition *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 3rd, Read 21st May, 1729. 1¾ *pp.* [*C.O.* 137, 17. *ff.* 145, 145*v.*, 146*v.*]

Jan. 15. Jamaica. **557.** Governor Hunter to the Duke of Newcastle. On the 16th of last moneth I had the honor of a letter from my Lord Townshend from Windsor Sept. 15th with H.M. orders to take such measures as might obviate insults or surprize *etc.* *Repeats part of preceding.* *Continues:*—The settlement at Port Antonio goes on with a very promiseing aspect, the harbour is the best and safest in all America. I have sent some gunns thither and the planters there will of themselves make such works as they can to secure themselves agst. insults *etc.* *Signed,* Ro. Hunter. *Endorsed,* R. 5th April. *Holograph.* 2⅓ *pp.* *Enclosed,*

557. i. Minutes of Council of Jamaica, 7th Jan., 1729. On hearing H.M. letter of Sept. 15th, resolved that Hanover Line and the Rock Fort and line be repaired, and a platform of 6 guns be erected at Carlisle Bay *etc.* *Copy.* 3½ *pp.*

557. ii. List of Ordnance Stores in Jamaica, and what is required. 2 *pp.*

557. iii. Minutes of Council of War. St. Jago de la Vega, 7th Jan., 1729. 3 *pp.* [*C.O.* 137, 53. *ff.* 97–102, 103–104*v.*]

Jan. 15. Jamaica. **558.** Governor Hunter to Mr. Stanyan. Refers to preceding letter. Is surprised that he has received no instructions relating to Mr. Coleman's affair. Has not had the satisfaction of one letter from him since his arrival *etc.* *Signed,* Ro. Hunter. *Endorsed,* Rd. April 9th. *Holograph.* 1 *p.* [*C.O.* 137, 53. *ff.* 105, 106*v.*]

Jan. 16. Jamaica. **559.** *Same* to *Same.* *Encloses* following for his Grace's consideration, "The man is really near to idiotism" *etc.* *Signed and endorsed as preceding.* 1 *p.* *Enclosed,*

559. i. (*a*) Petition of Robert Karby to Governor Hunter. Sentenced to death for coining two pieces of base money, the petitioner confesses that he was legally sentenced, but pleads that he was wholly ignorant that it was penal to make or utter the same. *Prays for* H.M. pardon *etc.* *Signed,* Henry Karby. *Overleaf,*

559. i. (*b*) Recommendation of said convict as a fit subject for H.M. pardon or reprieve by the Chief Justice and the Judges of the Supreme Court. Dec. 9, 1728. *Signed*, Richd. Mill, John Hudson Guy, Ja. Cary, Edw. Charlton. 1½ *pp.* [*C.O.* 137, 53. *ff.* 107, 108*v.*–109*v.*, 110*v.*]

Jan. 16. London. **560.** Mr. Dunbar to Mr. Popple. Encloses following, received from his brother, and hopes they may give some hints for the intended bill next session of Parliament for preventing such abuses. Will attend the Board as appointed *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. 17th, Read 23rd Jan., 172$\frac{8}{9}$. ¾ *p.* *Enclosed*,

560. i–v. Duplicates of *Nos.* 547 i–v. [*C.O.* 323, 8. *Nos.* 104, 104. i–v.]

Jan. 16. St. Chrisrs. **561.** Governor the Earl of Londonderry to the Council of Trade and Plantations. *Encloses* papers containing the dispute between two Councillors touching their seniority or right of Presidentship in his absence and that of the Lt. General. *Continues* :—Already (tho' before my arrival) great inconveniencys have happen'd from this dispute, that even prevented a Quorum of the Council meeting a long while, and thereby greatly obstructed publick business *etc.* I have judg'd not proper to give my opinion upon the affair here *etc.* *Asks for* a speedy and final decision. *Signed*, Londonderry. *Endorsed*, Recd. 31st March, Read 9th April, 1729. 1¾ *pp.* *Enclosed*,

561. i. Mr. Estridge to Governor the Earl of Londonderry. In the dispute between Col. Phipps and me for the Presidency in Councill, wch. now lies before your Excellency for your judgment, *etc.*, Mr. Phipps urges that he was sworn into Council before me, and that his warrant for being admitted a Councellour is of an older date than mine. But (i) he was sworn by the Governour, who had no power to do it at that time, there being 7 Councellours then residing *etc.* Councellours have always taken place from their allowance by the King and not from the Governour's admission. Thus it was in the case of Mr. Helden, who was sworn a Councellour by Mr. Douglas, and sat many months before Ralph Willett was appointed by the late Queen ; and yet Mr. Willett being named in the Instructions before Mr. Helden, the latter gave place to him. For the like reasons Mr. McDowall gave place to Charles Payne and John Garnett, and likewise Mr. Liddell to Mr. Millward. (ii) As to his warrant from the late Queen being of an older date than mine, the Councellours here take their seats by the bare nomination of the Prince, they have no Commission

or Warrant for so doing. The King's nomination of persons in his Instructions to his Governours, is all the appointment they sit in Councell by, and the warrants wch. the King afterwards grants for admitting particular persons into Councill, are no more than Additional Instructions for that purpose, and cannot regard any succeeding Governour. We have a present instance of a gentleman, who but few years ago, had a warrant directed to the last Governour to admit him a Councellour, but being left out of your Excellency's Instructions, he cannot claim a seat here *etc.* *Argues* that he was appointed by the late Queen some time before Mr. Phipps, and that his late and present Majesty have always placed him before Mr. Phipps in regard of that nomination and without regard to the date of the warrant *etc.* *Quotes* correspondence (1708) on this subject with Stephen Duport, Agent of St. Kitts, and argues at length. *Signed,* Jos. Estridge. *Endorsed,* Recd. 31st March, 1729. 6¾ *large pp.*

561. ii. Mr. Phipps to Governor the Earl of Londonderry. His appointment by the Governor having been approved of at home, that appointment must be valid and take place from the time of his first admission in the Council. It is on record that he had his seat at the Board long before Mr. Estridge *etc.* Argued at length. *Signed,* Francis Phipps. *Endorsed as preceding.* 4 *large pp.*

561. iii. Mr. Estridge to Governor the Earl of Londonderry. Reply to preceding. *Signed and endorsed as No.* i. 4 *large pp.*

561. iv. Mr. Phipps to Governor the Earl of Londonderry. Reply to preceding. *Signed and endorsed as No.* ii. 3½ *large pp.* [*C.O.* 152, 17. *ff.* 33, 33*v.*, 34*v.*–40*v.*, 41*v.*–43*v.*, 44*v.*–46*v.*]

Jan. 17. **562.** Mr. Randolph, Clerk of the Council of Virginia and Agent of the Colony, to the Council of Trade and Plantations. Appointed by the Council and Burgesses of Virginia to solicit the repeal of a clause in an Act of Parliament prohibiting the importation of stripped tobacco, he has submitted a question to the Treasury and believes that their Lordships are satisfied that the Revenue has not been improved by this prohibition. *Continues* :—The stript tobacco " was by many years experience found a very vendible commodity, as it was most fit for the consumption of this Kingdom and always sold for a higher price, and upon shorter credit, than any other sort ; so that the planters could subsist by their industry, and the merchants here transacted business with more ease and

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less hazard : But since they have been compelled by this Act of Parliament to import the stalk, it is not possible for them to manufacture it properly for the markets of Great Britain ; they are loaded with the duty and the freight of that which is not only of no value, but depreciates the pure tobacco at least 2d. in every pound. The tobacconists are under a temptation to manufacture the stalk and mingle it with the leaf, whereby the whole commodity is adulterated, and of course the consumption of it lessend. And the merchants are obliged to keep great quantities in their warehouses, and at last to sell upon long credit. In consequence of which the price of the Planters labour is fallen below what they are able to bear, and unless they can be relieved, they must be driven to a necessity of employing themselves more usefully in manufactures of woollen and linen, as they are not able under their present circumstances to buy what is necessary for their cloathing in this Kingdom *etc.* *Signed,* John Randolph. *Endorsed,* Recd. Read 17th Jan., 172$\frac{8}{9}$. 2 *pp.* [*C.O.* 5, 1321. *ff.* 92, 92*v.*, 93*v.*]

Jan. 17. **563.** Col. Dunbar to Mr. Delafaye. Encloses further reports just received from his brother (*v.* Jan. 7). Has sent copies to the Treasury, Admiralty and Board of Trade in accordance with his instructions *etc.* *Signed,* David Dunbar. *Addressed.* 1 *p.* [*C.O.* 5, 10. *No.* 18.]

Jan. 17. from Clarges Street. **564.** *Same* to Mr. Popple. *Sends enclosures as preceding. Concludes :*—Mr. Slade, one of my Deputys, an experienced ship carpenter, bred in the King's Yards here commends the oak plank in New England, and tells how it is continually carrying to Portugal and Spaine ; this may deserve the consideration of the Lords Commissioners for trade *etc.*, and whether any provision may be made in the intended bill against it, especially the larger sort, without lycence, *etc.* *Signed,* David Dunbar. *Endorsed,* Recd. 18th, Read 23rd Jan., 172$\frac{8}{9}$. 1 *p.* *Enclosed,*

564. i. Jeremiah Dunbar to David Dunbar. Boston, New England, Dec. 15th, 1728. Mr. Slade return'd 2 dayes since after making a small progress thro' the woods in New Hampshire and Province of Maine, *etc.* I shou'd have sett out for Casco Bay last week, but we have had such hard frost's without any snow that 'tis not possible to travell on horseback *etc.* As soon as there is a little snow, will go thither and seize all the timber cut down fit for H.M. service *etc.* With his deputies will go as instructed by the first vessel in the Spring for Anapolis. *Continues :*—Mr. Slade complains very much of the expence of travelling, and I have some reason to believe if there is not an allowance made for it that he will apply himself to ship-building here, for he can get a great deal more than £100 sterl.

per ann. As for myself I will not say much till I see you, tho' the expence of our voyage and at least £50 sterl. a piece wch. you know Mr. Haley and I paid for mathematical instruments has pinch'd us both very much, and tho' you may have heard that 'tis cheap liveing in this country you'll not think so when I assure you a common labourer can get 7 or 8 shillings of this money pr. diem, wch. is equal to about ½ a crown English. Mr. Slade likewise sayes yt. it will be impossible for us to do our duty without a small scooner, wch. is a kind of vessel much us'd upon this coast; for there are so many rivers in this country yt. it will be both mighty tedeous and expensive travelling by land, and further as our Instructions for Nova Scotia directs us to have regard to the woods lying upon the sea coasts and most navigable rivers, we can never make any judgment wch. rivers are most so without going up and down and sounding them *etc.* *Signed*, Jer. Dunbar. *Copy.* 1½ *pp.*

564. ii. Mr. Slade to David Dunbar. Boston, Dec. 16, 1728. I *etc.* find the woods in New Hampshire allmost destroy'd, so that if our Instructions be not supported by an Act of Parliament forbidding the cutting of white pine trees of any dimentions whatever as well in townships as out of townships H.M. in few years will have but a small supply of masts out of this Province. I proceeded further into the Province of Maine and so to Casco Bay, where the *America* was loading wth. masts for H.M. yards Portsmouth and Plymouth. This Province abounds wth. plenty of white pine trees and white oak's growing on a blewish clay and in my opinion preferable for plank to any H.M. yards is supply'd with from Eastern parts. I heartily wish ye Government would make an experiment therein *etc.* *Enquires* whether such white oaks are not to be preserv'd from ruin as well as white pine trees. *Refers to* enclosed account and asks for travelling allowance *etc.* *Continues* :—There is a ship of 400 tuns now at Piscadaway loading with fine kelson pieces 4 inch and 3 inch plank, the kelson pieces are from 70 to 50 long fine white oak timber and plank preferable in my opinion to any serv'd into any of H.M. yards in England, this ship loads twice a year to Spain *etc.* *Submits* that it would be more for H.M. intrest to put a stop to such proceedings and reserve such fine long timber plank for his own proper use wch. is and will be so much wanted in England *etc.* *Repeats part of preceding.* *Signed*, Aurther Slade. *Copy.* 2 *pp.* *Enclosed*,

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564. iii. Account of masts *etc.* shipped for H.M. service on board the *America*, and of masts cut down and marked for the Contractor in the Province of Maine. *Copy.* ¾ *p.* [*C.O.* 324, 8. *Nos.* 105, 105 i–iii.]

Jan. 19. **565.** Thomas Lowndes to [? *Mr. Delafaye*]. To-morrow morning I must wait upon your Honour, for an answer to the Lords Props. of Carolina's Memorial. I've been the means (under the direction of my Lord Westmoreland) of bringing, in a great measure, the contract to bear so far; and will do everything an honest man can do, to mollify the Props. But, indeed, they think themselves ill used. I was the first that set the notion on foot for obstructing the Spanish Plate Fleet in the Gulf of Florida, and the drafts I have are the only ones to be depended on. I will bring them along with me to shew them yr. Honour. I drew up the reasons to justify the prudence of the Ministers in purchasing the country as Mr. Henry Pelham and 14 more of the House of Commons know, a copy of wch. I will present your Honour *etc.* *Signed,* Tho. Lowndes. 2 *pp.* [*C.O.* 5, 306. *No.* 10.]

[?Jan. 20.] **566.** Some reasons to shew the absolute necessity for the Crown's buying the Propriety of the Carolinas as also the advantagiousnesse of that purchase to the publick (*v. preceding*). In case of a rupture with France or Spain, it must in the condition it was in, by the disunion of the Proprietors and the animositys between the Props. and the inhabitants have inevitably fallen a prey, unless the British Nation had at a very great expence rescued the Colony, which under the immediate protection of the Crown may in a great measure be made able to defend itself *etc.* It has for its contingent charges for many years past raised about £7000 pr. ann.; which with the quit rents (estimated at £1000 per ann.) will under a proper regulation go near to defray the expences of the Government. If the Provisional Government had been continued, the British Establishment could never have been freed of the expence of the Governour's sallary and the Independent Company. The arrears of quit-rents purchased by the Crown and estimated very low in the Proprietors' account will be a means to make the inhabitants to come into proper measures to lay upon themselves some duty which they are well able to bear in order to defend the Province *etc.* *Continues :*—By a good settlement being made at Port Royal where (by all accounts there is a noble harbour) the conjunction of the power of France and Spain will not only be prevented but as long as we are masters of the sea we can lay a very great restraint upon the Spanish Navigation in America. For the Spanish Plate Fleet from Mexico must of necessity pass very near our coast, and that from Peru can not without the greatest difficulty avoid

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it. By keeping a competent number of men of war there British commerce will be entirely protected from the Spanish privateers which were always fitted out at Fort Augustino, a place notorious for the mischief our trade has even of late received *etc.* If North Carolina is made a district of Virginia, besides the tenths reserved upon the whale fishery, the revenue by quit rents which always bore the charge of the establishment will bring an immediate profit to the Crown of about £600 sterling yearly. It is acknowledged by all persons that the most fertile and healthy part of all America is the tract of land lying between Port Royal in South Carolina and Florida and well-watered by navigable rivers and if it be let out at a proper quitt rent as in Maryland and Pensilvania (the Crown not being under any obligation as to the quitt rents for lands not yet set out in S. Carolina as it is in Virginia) 'twill in a very few years not only ease the British establishment but bring in a competent sum to be remitted to Great Britain or to be disbursed for setting on foot in America the silk or any other manufacture *etc.* 3 *pp.* [*C.O.* 5, 306. *No.* 11.]

Jan. 23. So. Carolina, Charles Town.

567. President Middleton to the Council of Trade and Plantations. *Encloses* Minutes of Council Dec. 1727—27th July, 1729 and Journal of Assembly Jan. 1727—July 1728, in support of the Representation of the Council (*v.* 2nd July, 1729), who have appointed Stephin Godin their Agent, in order to obtain proper Instructions for the new Governor, *etc.* *Signed,* Ar. Middleton. *Endorsed,* Recd. 27th March, Read 16th July, 1729. 1 *p.* [*C.O.* 5, 360. *ff.* 157, 158*v.*]

[?Jan. 23.]

568. Council of S. Carolina to the Council of Trade and Plantations. Pray for despatch of their affairs when referred to them (*v.* July 2, 1729), as the emergency requires. Have appointed Stephen Godin of London, Merchant, their Agent *etc.* *Signed,* Ra. Izard, Wm. Bull, A. Skene, James Kinloch, Char. Hart, Benja. Schenckingh, Benja. de la Conseillere. *Endorsed,* Recd. 1st April, Read 16th July, 1729. (*Without date, v. preceding.*) [*C.O.* 5, 360. *ff.* 159, 160*v.*]

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569. Mr. Fane to the Council of Trade and Plantations. Has no objection to 6 Acts of Jamaica submitted to him 30th July. *Signed,* Fran. Fane. *Endorsed,* Recd. 24th Jan., Read 25th Feb., $172\frac{8}{9}$. 1 *p.* [*C.O.* 137, 17. *ff.* 135, 136*v.*]

Jan. 23. Boston.

570. Governor Burnet to Mr. Popple. Encloses old seal *etc.*, and begs for dispatch of what lies before the Board relating to the Province. *Signed,* W. Burnet. *Endorsed,* Recd. 17th, Read 18th March, $172\frac{8}{9}$. 1 *p.* [*C.O.* 5, 870. *ff.* 192, 197*v.*]

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Boston.

571. Governor Burnet to the [? Duke of Newcastle]. *Acknowledges seals etc. Continues:* After the Assembly at Salem had disputed my power of adjourning them for two months and during that time refused to do any business, they at last found themselves obliged to go upon the ordinary affairs of the Province, to silence the clamours of the people. They at the same time drew up a memorial to H.M. to shew cause why they have not complyed with his Instruction, and upon my desiring a copy of it, they refused it to me. But as I was informed of the substance, I have sent a draught of an answer to it, enclosed in my letter to the Lords of trade *etc.*, tho' I am humbly of opinion that their memorial has so little need of an answer, that it is itself an aggravation of their undutifull behaviour. I hope your Grace will think it absolutely necessary to take effectual measures in parliament, to vindicate and support H.M. just authority which has been so shamefully slighted and affronted by this Assembly, *etc. Signed,* W. Burnet. *Endorsed,* Duplicate, Rd. Apr. 10th. 3 *pp. Enclosed,*

571. i. Governor Burnet's answer to the Memorial of the Assembly of the Massachusetts Bay, Nov. 22, 1728. In order to give a full answer to the Memorial of the House, I applyed to them on 20th Dec. for a copy *etc.*, but received for answer that they did not think it proper to allow any copy of their memorial to be given out. Upon this denial I prorogued them to 5th Feb., that they might if possible wear off these ill impressions by a long recess. In the mean time I have endeavoured to inform myself of the substance from those who had heard it read *etc.* They say that *Governours of remote colonys have always been apt to oppress the people: that H.M. cannot easily know the truth, and therefore yt. it is best that Governours should depend on the people for their salary. That the civil list is only settled for the King's life, and that a settling a salary for the time being would be doing no more and that as Englishmen and by their Charter they are free as to giving of money.* To all this it may easily be answered that Governours have no doubt their faults, but it has been under arbitrary governments and at the head of great army's only that they have been able to hurt the people's liberty's. That Governours are not the only persons guilty of ambition; that men that affect to be popular in free nations have better oppurtunitys to get exorbitant power than any Governour *etc.* That if H.M. does not hear the truth from Governours, it does not follow that he can depend upon it from Assemblys who are often under the influence of men who attack the prerogative only to gain more power into their own hands. That

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this is now the very case of this Province of which the Government at home had full experience. For Dr. Cook, the very same person who put the Assembly upon making encroachments upon the King's rights in Governor Shute's time and who defended them as their agent in England is now the chief leader of the present Assembly in the like attempts. And for this reason it is most dangerous that a Governour should depend on such an Assembly which is in other words to depend on Dr. Cook a profest enemy to the King's lawfull authority in this Province. That if the salary was settled here during H.M. life upon the Governour for the time being it might be taken as a complyance with the Instruction, and that would be doing no more than is done in Great Britain. That it never was pretended in England that settling the civill list was against the freedom of the people and therefore it is a frivolous pretence here and it would be a high presumption in this Colony to pretend that their Charter gives them greater priviledges than are enjoyed by the people of Great Britain. They complain of my *keeping them so long sitting to bring them to a complyance etc.* I thought my Instruction to insist on an immediate complyance made it necessary *etc.* They *impute to me their long sitting at Salem whither they say I removed them upon a groundless pretence.* But this is intirely a misrepresentation. For they themselves were the sole cause of the long sitting at Salem to the needless charge of the Province by their refusing to allow the adjournment, in open contempt of the order of his late Majesty in Council upon the hearing of Governour Shute's complaint and so neglecting to do the ordinary business of the Province for two months against the opinion of the Council which raised such a clamour against them that they did go through it at last, and as soon as that was over I gave them a recess. All which appears by their votes, and I think I had reason enough to remove them from Boston upon that town's coming to a publick declaration against the King's instruction at a town meeting held on purpose and where Mr. Belcher whom they have since chose their second Agent in Great Britain, presided as moderator. They next reproach me *with the expensive reception and entertainment which they gave me at first when at the same time the Province was in debt; and yet they offered me large sums at different times which I refused.* Their expenses on my reception were not desired by me and since their debts did not prevent so unnecessary a charge, I thought I might from thence conclude, they would shew due regard to H.M. demands. But the sums they offered me were contrary to my Instruction and therefore could not be accepted by me. *They hope however that H.M. will be satisfied with their offers from time to time, etc.* Their method being the very thing against which H.M. instruction is levelled and being avowed by them in this memorial to be done for that very reason at which H.M. has declared himself offended, to wit, to make their Governour dependent on them, it cannot be thought that H.M. will be anyways satisfied with their excuses. But I humbly hope the matter will be forthwith laid before the legislature as H.M. has graciously been pleased to declare it should in case of a refusal. *Signed,* W. Burnet. 6 *pp.*

571. ii. Duplicate of following. [*C.O.* 5, 898. *Nos.* 52, 52, i, ii ; *and* (*without enclosures*) 5, 752. *No.* 37.]

Jan. 24.
Boston.

572. Governor Burnet to the Council of Trade and Plantations. There has no ship sailed from this port for London since my last of 27th Nov. till now, and therefore I have kept the remainder of the votes to send by this ship. Your Lordships will find by them that the Council had stood firmly for H.M. Prerogative as to the adjournment of the Assembly to Salem. *Refers to their Memorial etc. as in preceding letter. Continues :* I was prevailed upon by my friends in the Assembly whose affairs suffered very much to give them a recess before Christmas, which tho' against my own inclination I at last yielded to and have been importuned to continue the recess to the 5th of March, when I intend to meet them again without fail for to go through the business of the Province still depending. But as to the fixing of a salary I have no expectation to succeed in it, till a censure of Parliament is past upon the proceedings of the Assembly which I hope your Lordships will obtain so as to have it sent early in the Spring before this Assembly expires, which it must at the end of April. I have just now received your Lordships' letter of 23rd Oct., 1727 (*sic*) together with the new seals, *etc. Returns* old seal and will return that of N. Hampshire when he goes there, *etc. Signed,* W. Burnet. *Endorsed,* Recd. 17th, Read 18th March, 172$\frac{8}{9}$. 3½ *pp. Enclosed,*

572. i. Duplicate of *No.* 571 i. *Same endorsement.* [*C.O.* 5, 870. *ff.* 195–196*v.*, 198–202, 203*v.*]

Jan. 24.
North Carolina.

573. Mr. Porter (Judge of the Admiralty in N. Carolina) to the Duke of Newcastle. *Abstract. Encloses* copy of an order signed by Governor Sir Richard Everard to John Lovick, acting as Secretary under the late Proprietors, who has refused to obey the same. *Continues :* Your Grace will comprehend by the contents of that order what management there has been here concerning lands for many years past, *etc.* There was an order from the Lords Proprietors ever since 1711 forbidding the issuing out warrants for land in the Southern parts of this Governmt. unless purchased at £20 sterl. per 1000 acres. Notwithstanding which the present Secretary has emitted a great number of such warrants to the quantity of some 100,000 acres, and still continues to do ye same, tho' he well knows H.M. has made a purchase of the soil; which may be some thousand pounds damage to the Crown *etc.* *Continues:* This Mr. Lovick, Edward Moseley, Christopher Gale and William Little were lately appointed at the expence of the Proprietors to run the line between this Governmt. and Virginia *etc.*, and for such service they have been carving out their own satisfaction in lands, and at the same time are making application to H.M. to be allow'd in cash for the same service *etc.* *Printed,* N.C., Col. Rec. III, 7. *Signed,* E. Porter. *Endorsed,* R. 10th. 1½ *pp.* [*C.O.* 5, 306. *No.* 12: *and* 5, 1267. *ff.* 106–107*v.*]

Jan. 24. Whitehall. **574.** Council of Trade and Plantations to the King. In obedience to order of 6th Nov. annex draught of a Seal for Nova Scotia, "wherein we have had particular regards to the products and fishery of the Province, both in the device and motto. On the reverse of this Seal, we would humbly propose your Majesty's arms, garter, supporters and motto wth. this inscription round the circumference, Geo. 2. Dei gratia" *etc.* [*C.O.* 218, 2. *p.* 123.]

Jan. 27. **575.** Post Masters General to Mr. Popple. Our officer to whose charge the letters for the Commissioners for Trade are committed, informs us that there is £39 13*s.* 11*d.* owing him for postage *etc.*, and that notwithstanding he hath often spoken to you about it, he hath not yet got any money. The man is not in a condition to disburse such a sum himself, and tis by no means for H.M. service with regard to the good government of this office, to suffer those under officers to run in debt. Wherefore we desire you to represent this matter to the Commissrs. that they would take some care the mony already due may be paid, and for the future put it into such a method as there may be no occation for such long accounts. *Signed,* Ed. Carteret, E. Harrison. *Endorsed,* Recd. 5th, Read 6th Feb., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 388, 79. *No.* 39.]

Jan. 29. Whitehall. **576.** Duke of Newcastle to the Council of Trade and Plantations. Having lately received several letters from Mr. Burnet Governor of New England, together with the copies of others to your Ldps., relating to the irregular and undutifull behaviour of the Assembly of that Province with regard to H.M. Royal Authority and Prerogative, the due consideration whereof being of great importance to H.M. service in that

Province; H.M. has commanded me to signify His pleasure to your Ldps. that you should forthwith consider the same, and report your opinion, what may be the most proper expedient for supporting H.M. authority in that Province, and bringing the people to a due sense of their obedience. As I am informed there are ships going thither in about a fortnight, I am to desire you will please to let me have your report within that time, that H.M. commands may be signified upon it by that opportunity. *Signed*, Holles Newcastle. *Endorsed*, Recd. 29th, Read 31st Jan. 172$\frac{8}{9}$. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 870. *ff.* 152, 152*v.*, 153*v.*]

Jan. 30.
St. Christophers.

577. Governor Lord Londonderry to the Duke of Newcastle. I am this minute going up to Antigua to examine into the circumstances of an horrid conspiracy that some few days ago was discovered there. The negroes, it seems, were at a certain signal to rise, and cut of every white inhabitant of that island. This matter is now under examination before the Lieut. Governour, and Council, and proper measures have been taken to prevent the execution of so abominable a design. I am sorry I cannot now be more particular *etc.*, but by the first ship that sails I shall give your Grace a full detail *etc.* *Signed*, Londonderry. *Endorsed*, Rd. March 29th, 1729. *Holograph.* 2 *pp.* [*C.O.* 152, 43. *ff.* 37, 37*v.*, 38*v.* (*without date or place*); *and* (*duplicate, dated*) 35.]

Jan. 30.
St. Christophers.

578. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Londonderry. *Endorsed*, Recd. 29th March, Read 9th April, 1729. *Holograph.* $1\frac{3}{4}$ *pp.* [*C.O.* 152, 17. *ff.* 47, 47*v.*, 48*v.*]

Jan. 30.
Whitehall.

579. Mr. Popple to Mr. Oxenford, Assistant Inspector General. Requests by next Tuesday an account of the pitch, tar, rozin and turpentine imported from the Plantations for six years past, distinguishing the species and quantity in each year. [*C.O.* 324, 11. *p.* 143.]

Feb. 1.
Council Chamber, Whitehall.

580. Order of Committee of Privy Council. A copy of the charges against Mr. Middleton (*v.* 13th Nov., 1728) are to be transmitted to him for his answer in writing to this Committee. *Signed*, Temple Stanyan. *Endorsed*, Recd. 7th, Read 21st March, 172$\frac{8}{9}$. 1 *p.* [*C.O.* 5, 360. *ff.* 90, 91*v.*]

Feb. 1.
St. James's.

581. Order of King in Council. Approving report of Committee upon Col. Spotswood's petition, and ordering that no advantage be taken of the invalidity of the petitioner's grants, and that for the better confirmation of such of them as are defective, the Governor do pass new and authentic patents to him or his assigns, and that the remission of quit rents granted to the two new counties in 1723, for seven years

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be understood to extend to petitioner's two tracts of land which were last taken up in the county of Spotsilvania containing 59,786 acres. But in regard the petitioner did offer to be bound to pay the usual consideration which is required in Virginia, upon taking up lands, H.M. doth further order, that upon the passing the said patents to petitioner or his assigns he or they shall produce or pay the accustomed rights which remain due for the same. *Signed and endorsed as preceding.* 6 *pp.* [*C.O.* 5, 1321. *ff.* 100–102*v.*, 103*v.*]

Feb. 1.
Whitehall.

582. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. *Signed*, Temple Stanyan. *Endorsed*, Recd. Read 4th Feb., 172$\frac{8}{9}$. 1 *p.* *Enclosed*,

582. i. Address of the House of Representatives of the Massachusetts Bay to the King. Nov. 22, 1728. We your Majesty's loyal and dutifull subjects, the Representatives of yor. Province of the Massachusetts Bay in the General Court assembled humbly beg leave to approach yor. Royall Presence and offer the reasons and grounds of our proceedings and conclusions concerning a fixed sallary on the Governor of this Province, which is directed to, by your Majesty's twenty third Instruction to your present Governor here. Nothing lesss than the prosperity or welfare of this yor. most dutifull Province could have prevailed with us to have done anything disagreable to Yor. Majesty's Instruction; This Province is under that natural disadvantage, by reason of its distant situation, that it cannot be under yor. Majesty's imediate inspection and care, as Great Britain our happy Mother is; it is and has been very well known, in this as well as other nations and ages, that Governors at a great distance from the Prince or Seat of Government have great opportunities and sometimes too prevailing inclinations, to oppress the people. And it is almost impossible for the Prince, who is the most carefull Father of his subjects, to have such matters set in a true light. We humbly crave leave therefore to suggest that it is very much for yor. Majesty's interest and very necessary to the tranquility and flourishing of this your Province, that the Governor should be induced by his own interest, as well as duty to yor. Majesty, to consult the interest and welfare of the people, but should we fix a sallary, the Governor's particular interest would be very little affected (while thus settled) by serving or disserving the peoples interest, and we should do more than has ever been done by the wisdom of Great Britain, notwithstanding

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the Nation, and your subjects in the most distant parts of yor. Dominions, have so intire a confidence in your Majesty and yor. interest and glory, and that of your Royal Posterity, are inseparable from the prosperity and welfare of your people, for we are all yor. inheritance; Yet the Civil List is settled for yor. Majesty's life only, whereas neither the happiness nor adversity of this Province, affect a Governor's interest, when he has once left us, and the raising and disposing of money from time to time, of our free will and assent, for the defence and support of the Government and protection and preservation of the inhabitants, is the great priviledge, which as Englishmen by Magna Charta and by the Charter granted by King William and Queen Mary of glorious Memory, the General Assembly, (as we humbly conceive) have a right unto. For these reasons the house of Representatives were perswaded they could not in duty to your Majesty, and truthfullness to the people of this Province, settle or fix a sallary, when yor. Majty.'s Instruction for that end was first laid before them, and in this conclusion the House had the concurrence of yor. Majesty's Council here; and since that, in the course of the Governor's administration, we have had no encouragemt. to do it from any grounds or reasons for such special confidence in him, but the treatment we have met with, in the methods that have been used to bring us into a stated sallary, hath tended to confirm and abundantly strengthen us in our first determination; for instead of the Governor's laying our conclusion on that affair before yor. Majesty, and waiting your direction to him, and consulting in the mean time the benefitt and welfare of the people, we were told by him that we were met for that end, and so should continue, till we had finisht it; and when we were desirous to rise that we might consult our constituents; it was denied us, and we have been compelled, to sitt for some months, when the affairs of the Province have not required it, for no other end but to bring us into the settlement of a sallary, which we have often declared we could not do; and when this method did not prevail, we were removed from the House and Records belonging to the Generall Assembly in Boston, to Salem, a town about twenty miles from Boston, upon a pretence that the people in Boston influenced the representatives against settling a sallary; and altho' since our being at Salem, we have assured him that we acted freely therein, and that the same

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reasons that prevailed with us at Boston, would go with, and influence us everywhere, yet we are still kept sitting there, to the great disservice of yor. Majesty's interest, and grevious hurt and damage of the Province. And all this has been (as we humbly conceive) without any provocation from the Assembly or people here. Your Majesty's Governor at his first arrival was received with the highest respect and greatest expence by much that ever was on such an occasion, the Assembly took care for his entertainment in a very honourable manner, according to the dignity of his station at a private gentleman's house, till the Province house was prepared for him, and altho' the Province is under great difficulties, by being a barrier to your Majesty's other plantations against the Indian savages, which in a warr brings an excessive charge sometimes of about fifty thousand pounds p. anm., and has left a load of debt on the Province of about two hundred thousand pounds, and how soon a warr may break out again with them, we cannot tell, and now in peace with them, the Province is at the annual charge of many thousands of pounds to preserve it; yet soon after the Governor's arrival the Assembly granted seventeen hundred pounds to him; fourteen hundred pounds to enable him to manage the publick affairs, and three hundred pounds to defray the charges of transporting his goods and servants here, and informed him that at the usual times, this and succeeding Assemblies would undoubtedly afford a support suitable to the dignity of his person and station; and since that, upon the first opportunitys in the usual time of the year for the second grant, as soon as the fall of the year was arrived, notwithstanding they had been kept sitting all the while, to the great damage of the Province, they granted sixteen hundred pounds more, and since those grants were passed, we have once and again earnestly desired him to take both the one and the other; these sums are far beyond what has ever been granted to any Governor heretofore, and we doubt not but succeeding Assemblies, according to the ability of the Province, will come into as ample and honourable support from time to time, and should they not, we acknowledge your Majesty will have just reason to shew yor. displeasure with them; but while we continue to grant a support so honourable, (as we humbly conceive) we have since the present Governor's arrival, beyond other Plantations, considering the charge we are otherwise exposed to, and load of debt lying upon us; we hope we shall always enjoy your Majesty's Royal Grace and Favour which this universally loyall people, above all things desire; that the Crown may long flourish on your Royal Head, and continue so in your most illustrious family to the latest posterity is the sincere and hearty prayer of *etc.* *Signed* by the Order of the House of Representatives, William Dudley, Speaker. *Copy.* 6 *pp.* [*C.O.* 5, 870. *ff.* 154, 155–157*v.*, 159*v.*]

Feb. 3. Custom House. **583.** Account of pitch, tar, rozen and turpentine imported from the Plantations 1721–7.

	Pitch & tar		Rozen			Turpentine		
	lasts	barrels	cwt.	qr.	lb.	cwt.	qr.	lb.
1722	4197	7	56	2	22	8,546	1	7
1723	5421	9	53	—	17	15,599	1	12
1724	6772	4	56	1	17	23,676	2	13
1725	6752	8	302	2	25	30,084	2	21
1726	5556	5	212	3	10	18,314	1	18
1727	2858	5	123	1	25	27,324	3	5

Signed, John Oxenford, Asst. Insp. Gen. *Endorsed*, Recd. (from Mr. Oxenford) 4th Jan., Read 6th Feb., 172$\frac{8}{9}$. [*C.O.* 323, 8. *No.* 106.]

Feb. 4. Whitehall. **584.** Lord Townsend to Governor Hunter. Recommends to his favour and protection M. de Chanflour who is already known in Jamaica, and has been recommended to him by the Comte de Broglie, French Ambassador. *Signed*, Townsend. *French.* 1$\frac{1}{4}$ *pp.* [*C.O.* 137, 53. *ff.* 111, 111*v.*, *and* (*duplicate*) 113, 113*v.*]

[Feb. 4.] **585.** Comte de Broglie to Lord Townshend. Recommending M. de Chanflour as above. *French.* $\frac{1}{2}$ *p.* [*C.O.* 137, 53. *f.* 115.]

Feb. 4. **586.** Mr. Fane to the Council of Trade and Plantations. Report on Act of Jamaica, 1728, *for raising a tax on the poll and on trade etc.* Though Governor Hunter may be thought guilty of a breach of his 31st Instruction in accepting this present from the Assembly, yet in the light of his 32nd Instruction it may be proper to be confirmed *etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 4th, Read 20th Feb. 172$\frac{8}{9}$. 1$\frac{3}{4}$ *pp.* [*C.O.* 137, 17. *ff.* 129, 129*v.*, 130*v.*]

Feb. 5. **587.** Richard Fitzwilliam, Surveyor General of H.M. Customs in the Southern district of America, to the Council of Trade and Plantations. Prays to be restored to the Councils of Virginia, Jamaica and S. Carolina, from which he was omitted

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by an oversight when they were reconstituted after the demise of his late Majesty, *etc.* *Endorsed*, Recd. 5th, Read 6th Feb., 172$\frac{8}{9}$. $1\frac{1}{8}$ *pp.* [*C.O.*5, 1321. *ff.* 94, 94*v.*, 95*v.*]

Feb. 6. Whitehall. **588.** Mr. Popple to Mr. Oxenford. Requests accounts of species and quantities of naval stores imported from all parts *etc.* Christmas 1722–1727. [*C.O.* 324, 11. *pp.* 143, 144.]

Feb. 6. Clarges Street. **589.** Mr,. Dunbar to Mr. Delafaye. Being about to imbark to spend the summer in the woods of Nova Scotia, requests him to represent to the Duke of Newcastle that he may have an order for a guard of 40 soldiers from the garrison of Annapolis Royal to protect him and his deputies from the Indians *etc.* *Continues :*—There is a large settlement of French from Nova Scotia at the bottom of the Bay of Fundy, who remain'd there upon the Queen's peace as subjects of England and upon condition that they should take the oath of allegiance which they never have done, and they yet look upon themselves as French and under ye Government of Cannada, and will obstruct the surveys and settlements in those parts. *Proposes* that a letter be obtained from the French Court to let them know that they will receive no protection from them *etc.* *Continues :* My letters from New England tell me that there are six hundred familyes there, mostly from Ireland, who resolve to settle in the new country adjoyning to it, which I believe is scarce reckon'd part of Nova Scotia, and that very many more Protestant familyes from Ireland were expected there this ensuing season ; I have seen in our newspapers a memorial to the Lords Justices setting forth the great inconveniencies of those people leaving that Kingdom, to prevent wch. I humbly presume that if H.M. would declare in ye Gazette that all His Governors abroad should be strictly forbid to grant any lands to any of His Protestant subjects who should transport themselves without lycence, an entire stop would thereby be put to that humour in Ireland *etc.* *Petitions* for a few arms and ammunition to be given to a select number of the new adventurers already there, to form them into a militia to defend themselves, and offers to be responsible for such arms *etc.* *Signed*, David Dunbar. 3 *pp.* [*C.O.* 5, 898. *No.* 55.]

Feb. 10. Whitehall. **590.** Duke of Newcastle to Governor Hunter. The place of Secretary of Jamaica being fallen to Mr. Balaguier, by virtue of a reversionary grant, upon the death of Mr. Congreve, *recommends* him to his particular favour and protection *etc.* *Signed*, Holles Newcastle. *Copy.* $\frac{3}{4}$ *p.* [*C.O.* 137, 53. *f.* 116.]

Feb. 10. Jamaica. **591.** Governor Hunter to Mr. Popple. *Acknowledges letter of* 20*th Nov. etc.* *Will observe what he writes as to recommending Councillors.* *Continues :* We expect the arrival of Collo.

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Lilly every day. The Assembly have already allowed him as an addition to his salary five shillings pr. diem. and I shall do him what further service is in my power. Our Assembly is now sitting and they have passed several of the most material bills, such as the additional duty and deficiency laws and one for the further encourageing the settlement of Port Antonio and are now preparing one for the further strengthening of the Island against any attempts that shall be made by a foreign enemy. This is in consequence of what I recommended to them in obedience to H.M. commands *etc.* (*v.* Sept. 15, 1728.) Upon receipt of those orders I immediately review'd the several regiments of Militia in the adjacent parts and gave directions for the repairing such of the fortifycations as were thought of most importance and necessary, for which service the Assembly have appropriated out of the additional duty bill £2000 and am in hopes they will finish the rest of the business I recommended to them with that harmony and dispatch they have promised by their Address. I am informed that some of H.M. ships are to sail about a month hence. By them I shall transmit to their Lordships such Acts as I have assented to and other publick papers. *P.S.*—Feb. 15. Since what is abovewritten, the Assembly have passed several bills and gone through the most necessary business for the country's service, and I hope to H.M. satisfaction. So soon as the Acts passed and the Minutes of the Council and Assembly can be got transcribed I shall take particular care to have them transmitted to their Lordships, and have at the Assembly's desire prorogued them to the 25th day of March next. *Signed,* Ro. Hunter. *Endorsed,* Recd. 3rd, Read 21st May, 1729. 3 *pp.* [*C.O.* 137, 18. *ff.* 9–10*v.*]

Feb. 11. Whitehall. **592.** Council of Trade and Plantations to Governor Burnet. We should sooner have acknowledged the receipt of your letters of 30th Sept., 26th Oct. and 27th Nov. last, with respect to the disputes between you and the Assembly of the Massachusets Bay, in relation to the settlement of your salary, and to their being adjourn'd to Salem; but that we waited to see whether any person would appear in behalf of the Assembly; and as the Assembly have lately transmitted an Address to H.M. relating to these matters, which has been referr'd to our consideration, whereupon they have desir'd to be heard by their Council, your Agent will be allow'd the same liberty, in your behalf; and so soon as we shall have heard what can be offer'd on both sides, concerning the points in dispute, we shall report our opinion thereupon at large to H.M. In the meantime, we very much approve of your prudence, and integrity in declining to accept of money from the Assembly upon any terms different from those enjoyn'd you by yor. Instructions; So we bid you heartily farewell, and are, Your very loving friends and humble servts. *etc.* [*C.O.* 5, 916. *ff.* 181, 182.]

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[Feb. 11.] **593.** Petition of Merchants trading to Virginia to the Council of Trade and Plantations. Pray for repeal of Act of Virginia, 1705, *declaring how long judgments, bonds etc. shall be in force etc., and ascertaining the damage upon protested bills of exchange etc.* It is a law very detrimental to trade, as it limits actions on judgments, bonds and merchants' accounts, without any saving, "and is unjust in other respects *etc.* The act which stands next to it in the book printed by your Lordships' direction, answers all the just purposes of limitation." *Signed,* Micajah Perry, *and* 8 *others. Endorsed,* Recd., Read 11th Feb., 172$\frac{8}{9}$. 1 *p.* [*C.O.* 5, 1321. *ff.* 96, 97*v.*]

Feb. 12. Whitehall. **594.** Council of Trade and Plantations to the King. Mr. Fitzwilliam, Surveyor General of the Customs in the South part of America, having been appointed by his late Majesty, your royal Father, a member of the Councils of Virginia, South Carolina and Jamaica; but his warrant for this purpose not having been renew'd since your Majesty's happy accession to the Crown, the Governors of those places have not thought themselves impower'd to admit him to a seat in the Councils there; and therefore we take leave humbly to propose to your Majesty, that his warrant be forthwith renew'd, it being for your Majesty's service, that the Surveyor of your Customs should be a member of every Council in those Governments within his district. [*C.O.* 324, 11. *pp.* 144, 145; *and* 5, 1366. *pp.* 12, 13.]

Feb. 12. Poole. **595.** Mayor and Merchants of Poole trading to Newfoundland. *Reply to* 13th Nov.: Our Masters coming home so very late from Newfoundland, we could not well answer before *etc.* Contrary to the Act of Wm. III *for the encouragement of the trade to Newfoundland etc.*, many ships from New England, Ireland, Guernsey and Jerzy (who have a great advantage of the merchants here, by the cheapness of their provision and men, and also the craft, tackle and merchandize they carry) fish in the said land and take up stages and fishing rooms *etc.* Such ships as come from New England decoy and yearly carry into New England great numbers of sailors and fishermen employed there, to the prejudice of the merchants of England, who are obliged for want of such men to give extraordinary wages to such servants as they there employ. By the said Act all oil taken and made by any ship trading from England is to be deemed free, notwithstanding if the owner of several ships send any of his ships abroad to market wth. their fish, vizt. to Spain *etc.*, and the oil taken and made by such ships home to England in any other of their vessels, such oil is by the officers here obliged to pay the duty, this year tho' never known before *etc.* *Signed,* Jno. Strong, Mayor and 17 *others. Endorsed,* Recd. 14th Feb., Read 20th May, 1729. *Addressed. Postmark.* 2 *pp.* [*C.O.* 194, 8. *ff.* 206–207*v.*]

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Feb. 13.
Jamaica.

596. Mr. Donovan to the Duke of Newcastle. Refers to his dispute with the Assembly as contractor for supplying rum to the Naval Squadron *etc.* *Signed,* Tim Donovan. *Endorsed,* Rd. May 3. 2 *pp.* *Enclosed,*

596. i. Letter from Mr. Donovan to the Assembly of Jamaica Feb. 5, 1729. *Signed,* T. Donovan. *Copy.* 2 *pp.* [*C.O.* 137, 53. *ff.* 118, 118*v.*, 119*v.*, 120, 120*v.*]

Feb. 13.
Whitehall.

597. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 2 Acts of Nevis, 1728 (i) *for raising a poll tax on negroes etc., and* (ii) *for providing a house and settling* £500 *pr. ann. on H.E., and laying a tax upon all sugar and molosses shipped from Nevis etc.*, and 3 Acts of St. Kitts, 1728, (i) *for laying of certain duties upon sugars, molosses and other goods the growth and manufacture of the island to be exported*; (ii) *for settling* £2000 *pr. ann. current money upon H.E. during the term therein mentioned etc., and* (iii) *for supplying a defect in the Act for laying duty upon exports etc.* (*supra*). [*C.O.* 153, 14. *pp.* 407–409.]

Feb. 13.
Whitehall.

598. Duke of Newcastle to the Council of Trade and Plantations. Encloses following; with copy of Governor Worsley's answer to a similar petition last year, for their report upon the whole. *Signed,* Holles Newcastle. *Endorsed,* Recd. 13th, Read 25th Feb., 172$\frac{8}{9}$. 1 *p.* *Enclosed,*

598. i. Petition of the General Assembly of Barbados to the King. Complaints against Governor Worsley. Duplicate of July 25, 1728. *q.v.* *Endorsed,* Recd. 13th Feb., 172$\frac{8}{9}$. 6½ *pp.*

598. ii. Copy of Governor Worsley's letter to D. of N. 13th Sept., 1728. *Endorsed as preceding.* 21¾ *pp.* [*C.O.* 28, 20. *ff.* 78, 79*v.*–94*v.*, 96*v.*]

Feb. 14.
Whitehall.

599. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, a parcel of 14 acts of the Massachusets Bay passed in 1728. [*C.O.* 5, 916. *pp.* 178–181.]

Feb. 14.
Whitehall.

600. Council of Trade and Plantations to the King. Submit for confirmation act of Virginia *to enable William and Thomas Farrer etc.* [*C.O.* 5, 1366. *pp.* 13, 14.]

Feb. 15.
Jamaica.

601. Governor Hunter to Mr. Stanyan. *Repeats* gist of part of letter to Mr. Popple, Feb. 10, adding :—All our advices from Cuba say the Spaniards are very busy in repairing their fortifycations and making other warlike preparations. I cannot learn that they have any great strength of ships of war in these parts. They have only two one of seventy and the other of sixty guns on the coast of Cartagena and Portobell, and two at La Vera Cruz and the Havanna, one of sixty and the other of

1729.

fifty guns and some small craft; this is the best information I can get *etc.* *Signed,* Ro. Hunter. *Endorsed,* Rd. May 3rd. 2 *pp.* [*C.O.* 137, 53. *ff.* 122, 122*v.*, 123*v.*]

Feb. 15. Whitehall. **602.** Corrected drafts of letter from the Duke of Newcastle to Governor Hunter, sent 17th Feb. (*q.v.*). In these drafts the reinforcements are mentioned, vizt. 8 large men of war and 2000 land forces. 9 *pp.* [*C.O.* 137, 47. *Nos.* 3–5.]

Feb. 16. **603.** Thomas Lowndes to Mr. Popple. Hearing that the Lords Commissioners for Trade, are teazed by Pretenders to merit in bringing about the purchase of Carolina, I transmit a copy of the reasons which last year I drew, and which were approved of by the Speaker of the House of Commons and 16 other Members, when the demand was made for the purchase money in Parliament. The proposal of attacking Fort Augustine and obstructing from Port Royal in South Carolina the Spanish navigation was first made by me, to a person of great figure in the administration, in May next will be three years and was then liked. What service I have since done in obviating any difficulty that might happen, and in removing obstructions that arose whilst the bargain for Carolina was negociating a noble Lord of your board *etc.* will I doubt not readily vouch for. And I have ample testimony of the pains I have since taken to keep matters between the Crown and the Proprietors from being inflamed. Col. Lilly was too candid a gentleman not to own publickly the assistance I gave him in drawing his map of Carolina; I having the most authentic manuscript map of that country and of Port Royal in particular. For as for poor Governour Rogers his is only an unnatural fiction, for there can be no such place as he represents Port Royal to be; till the nature of water is altered and the globe new moulded. *Encloses* copy of letter from Govr. Craven, a gentleman of known honour *etc.* *Continues:*—It is my humble opinion that the Spaniards make their clamorous memns. about the little Fort upon Allatamaha River to conceal their intentions of getting from us by Treaty the territory we have upon the Gulf of Mexico. For the Bay of Apalachia is most certainly ours. And it is highly probable there is a good harbour, either at the entrance of the River de Guitare, or the River Flint. And the country is esteemed very fertile and the Indians that did inhabit it are either chased away or killed. Of what use it may be to the Spanish Nation to have such a concession or of what prejudice to us to grant it, the Lords Commrs. for Trade are the best judges. *P.S.*—There is I hear a great disposition in the richer Palatins and Germans about Leige to go to South Carolina. So a good revenue may be made immediately to the King by quitt-rents. *Signed,* Tho. Lowndes. *Endorsed,* Recd. 16th Feb., Read 16th July, 1729. 1¾ *pp.* *Enclosed,*

603. i. Governor Craven to Tho. Lowndes, May 4, 1726. There is water enough at Port Royal for any ships to come over the barr *etc.* It may be very easily fortifyed at a small expence to secure the trade from any damage from enemys. The timber near it is as good as in any part of the Continent, the land very fertile and proper for flax, hemp or grain, and great plenty of good cattle and fish *etc.* *Signed,* Cha. Craven. *Endorsed,* Recd. 16th Feb., $172\frac{8}{9}$. *Copy.* 1 *p.*

603. ii. Some reasons to shew the absolute necessity for the Crown's buying the propriety of the Carolinas as also the advantagiousness of that purchase to the Publick. *v. covering letter.* *Signed,* Tho. Lowndes. 3 *pp.* [*C.O.* 5, 361. *ff.* 1, 1*v.*, 2*v.*, 3, 4*v.*–6*v.*]

Feb. 17.
Whitehall.

604. Duke of Newcastle to Governor Hunter. Sir, His Majesty *etc.*, hath fresh intelligence that the Court of Spain have a design, as soon as the galleons are arrived at Cadiz, where they may probably be by this time, to make an attempt upon Jamaica with a strong squadron, on board which are to be some land forces, and a considerable number of Militia from the island of Cuba ; that the Spanish men of war in the several ports of Galicia and Biscay were to sail from thence to Cadiz, to joyn those now in that port, which are designed for that expedition, and that it is said the descent is to be made upon the northern coast of Jamaica, which they look upon to be the weakest part of the island. Your Excy. will therefore in concert with Commadore St. Lo, to whom I also write by the King's order, take the necessary measures for the defence of a Colony of so great importance to the Trade and Navigation of H.M. Dominions. And it is H.M. pleasure that you should take great care to give as little alarm as possible, and particularly that the Spaniards may not take a pretence from anything you shall do, to detain the ships of the South Sea Company, or seize any of the effects of H.M. subjects in the West Indies. As the force your Excy. has, may not, in H.M.'s opinion be sufficient for yor. defence, the King is considering what further reinforcement it may be proper to send you, but of this you will take no notice to anybody but Commadore St. Lo (*v.* Feb. 15). The King has that confidence in yor. Excy's skill and abilities, as well as in your zeal for his service, that H.M. is persuaded you will omit nothing that you shall judge to be necessary for the security of the Island under your Government. *Signed,* Holles Newcastle. $2\frac{1}{3}$ *pp.* [*C. O.* 137, 47. *No.* 2; *and* 137, 53. *ff.* 124, 124*v.*]

Feb. 17.
Jamaica.

605. Governor Hunter to the Duke of Newcastle. I wrote to Mr. Stanyan two days ago *etc.* This morning I recieved advice that two ships of forty guns were arrived at the Havanna from Old Spain loaded with iron work and other utensils for the building ships, which they are doing at the Havanna and Campechea, and that they talk much of warr in those parts; The Spaniards are building a strong fort of forty guns at the river Chragra fourteen leagues to the leeward of Portobell and are repairing their fortifycations on that coast. Old Admiral Conejo on board the *Catalan* of sixty guns and another ship of that bigness were upon the coast of Portobell and had taken a Dutch ship and an English vessel as prize *etc.* *Signed*, Ro. Hunter. *Endorsed*, Rd. May 3. 1 *p.* [*C.O.* 137, 53. *ff.* 126, 127*v.*]

Feb. 18. Whitehall. **606.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law on Friday morning next, two acts of Virginia passed 1705, (i) *declaring how long judgments, bonds etc., shall be in force*; and (ii) *for limitation of actions, etc.* "which are in the printed volume of Virginia laws." [*C.O.* 5, 1366. *pp.* 14, 15.]

[Feb. 20.] **607.** Thomas Truman to the Council of Trade and Plantations. Petitioner having received a memorial of loss and damage (£734 11*s.* sterl.) sustained by Alexandra Woodrop of Philadelphia by the capture of the brigantine *Two Friends*, June, 1720, by a Spanish privateer, in her voyage from St. Christopher to Philadelphia, prays the Board to lay the case before H.M., in order to obtain satisfaction from the King of Spain *etc.* *Endorsed*, Recd., Read 20th Feb., 172$\frac{8}{9}$. 1 *p.* *Enclosed*,

607. i. Invoice of above goods *etc.* 1 *p.*

607. ii. Deposition of Alexandra Woodrop, late of St. Christophers but now of Philadelphia, relating to above *etc.* 1 *p.* [*C.O.* 388, 28. *t.* 62.]

Feb. 25. Whitehall. **608.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose letter shewing that there is due to the Postman for letters deliver'd to this office from Christmas 1726 to 10th June 1727 £39 13*s.* 11*d.* We have likewise been apply'd to by the widow of Samuel Clarke, late our Doorkeeper, who us'd to disburse the money for our incidental services (and who has left his wife and several children unprovided for) for the payment of the annex'd account of money laid out by *him etc.* amounting to £231 18*s.* 4½*d.* These two cases being very singular and deserving compassion, we cou'd not avoid laying them before your Lordps., having no fund for the payment of them, and not thinking ourselves authoriz'd to charge them even to our future incidents without your directions *etc.* Upon Mr. Clarke's decease, according to your Lordships' desire (15th July, 1724), we have sank the employment which he possess'd, and shall apply his salary to the payment of our Porter, whereby the incidents of our office will for the future be eas'd of that annual charge. [*C.O.* 389, 37. *pp.* 298, 299.]

Feb. 25. Whitehall. **609.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Encloses, for their opinion in point of law as soon as possibly may be, Acts of Jamaica passed in 1728, (i) *for granting a revenue to H.M. etc., for the support of the Government, and for reviving and perpetuating the Acts etc.*, and (ii) *to oblige the inhabitants to provide themselves with a sufficient number of white people.* Encloses for their better information, the draught of a bill for raising a revenue formerly prepared here to be passed into a law in Jamaica, and a copy of the Instruction given to Governor Hunter for his direction in that matter. [*C.O.* 138, 17. *pp.* 260, 261.]

Feb. 28. **610.** Order of the House of Commons, that the Commissioners for Trade and Plantations do lay before this House, the complaints of several merchants touching their losses sustained in the West Indies, in order to be laid before the Congress at Soissons. *Signed*, E. Stables, Cl. Dom. Com. *Endorsed*, Recd. 1st, Read 4th March, 17$\frac{28}{29}$. $\frac{1}{2}$ *p.* [*C.O.* 388, 28. *t.* 63.]

Feb. 28. Virginia, Wmsburgh. **611.** Lt. Gov. Gooch to the Duke of Newcastle. Supports address against prohibition of stripped tobacco. *v. No.* 641, i. *Signed*, William Gooch. *Endorsed*, R. May 19th. 3 large *pp.* *Torn.* [*C.O.* 5, 1337. *ff.* 130–131*v.*]

Feb. 28. **612.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 2 acts of Nevis and 3 of St. Kitts, 1728. (*v. No.* 598.) *Signed*, Fran. Fane. *Endorsed*, Recd. 28th Feb., Read 21st March, 1729. 2 *pp.* [*C.O.* 152, 17. *ff.* 3, 3*v*, 4*v*.]

March 2. **613.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 12 Acts of New Jersey submitted to him 13th Nov., 1728. *Signed*, Fran. Fane. *Endorsed*, Recd. 3rd March, 1728, Read 29th March, 1729. 1$\frac{3}{4}$ *pp.* [*C.O.* 5, 972. *ff.* 177, 177*v.*, 182*v.*]

March 3. **614.** Mr. Fane to the Council of Trade and Plantations. *Has no* objection to the Act of Virginia, 1705, for *limitation of actions etc.*, but is of opinion that the Act, 1705, *declaring how long judgments, bonds etc. shall be in force etc.* is unnecessary and ought to be repealed, it being in many particulars repugnant to the Statute of 21° Jac. I, which the other enforces and pursues in every particular. Of the many material differences between the second act and that of James I one is of itself sufficient to cause its repeal. By the statute of King James neither bonds nor judgment are limited, in this both are. *Continues:* This is manifestly a very great prejudice to trade by weakening the securities of creditors which in all trading countries ought as much as possible to be avoided; for a good security of money has been ever lookt upon as the life of credit, *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 3rd, Read 21st March, 172$\frac{8}{9}$. 1$\frac{3}{4}$ *pp.* [*C.O.* 5, 1321. *ff.* 104, 104*v.*, 105*v.*]

[March 4.] **615.** Richard Partridge, Agent for New Jersey, to the Council of Trade and Plantations. Requests report upon six Acts of New Jersey passed 1727–1728. *Signed,* Richd. Partridge. *Endorsed,* Recd. 4th, Read 13th March, 172$\frac{8}{9}$. *Addressed.* 1$\frac{1}{4}$ *pp.* [*C.O.* 5, 972. *ff.* 176, 176*v.*, 183*v.*]

March 4. Whitehall. **616.** Council of Trade and Plantations to the King. Recommend confirmation of Act of Antigua, 1728, for *making a settlement on H.E. etc.* [*C.O.* 153, 14. *pp.* 409, 410.]

March 5. **617.** Memorandum of Order of House of Commons that the Council of Trade and Plantations lay before the House their reports to His present or late Majesty touching the right of the subjects of Great Britain to cut logwood in the Bay of Campeachy. *Endorsed,* Recd., Read 12th March, 172$\frac{8}{9}$. 1 *p.* [*C.O.* 388, 28. *t.* 65.]

March 8. London. **618.** Petition of Tobias Wall to the Council of Trade and Plantations. The sloop of his correspondent, John Gallway of St. Christophers, was taken by a Spanish privateer near the island of St. Cruz *etc.* She was then under sail, and had not been trading at any place belonging to the Spaniards, nor was intended to do soe, but nevertheless was carried to Porto Rico and there condemned *etc.* *Prays that* H.M. may be moved to obtain satisfaction from the Court of Spain *etc.* *Signed,* T. Wall. *Endorsed,* Recd. 10th, Read 12th March, 172$\frac{8}{9}$. 1 *p.* [*C.O.* 152, 17. *ff.* 1, 2*v.*]

March 8. Jamaica. **619.** Governor Hunter to the Council of Trade and Plantations. *Sends* by H.M.S. *Larke* Minutes of Council, Journals of Assembly and six Acts passed the last Sessions "under the seal of the Island, which at this time could not afford parchment so I was constrain'd to make use of Royal paper." *Continues:*—The first five of these Acts are annual and such as your Ldsps. have frequently had from hence and so can require no explanation. The last is an eventual one in case of warr and I believe yr. Ldsps. will think as I do that it is a good and necessary one. It is intitled an Act *for strengthg. and secureing the Island agt. any attempts by foreign enemys, etc.* The clause for armg. the Militia uniformly is obligatory in a definite time. I have done what lay in my power to put the Militia on a better footing, repaire and garnish the forts and places of strength and rouse the inhabitants for their own security wth. some successe and hope wth. a little time and some patience I shall bring everything to bear for H.M. service here and security and credit of this his important Island. I have mention'd to Mr. Delafay the Agent the difficulty's wch. grow upon me with relation to a Quorum in Council. Two are already in England, two more, vizt. Mr. Ayscough and Mr. Laws imediatly bound thither and three more living in the extreme parts of the Island that I can but seldom expect their Compa., these are Swymer, Stout and Campbell, that it may fall out that the publick businesse must stand still or I under a necessity of subjecting myself to censure for acting without them, where I am requir'd by my Instructions to take their advice. I formerly recommended to yor. Ldsps. three persons in case of vacancy's *etc.* I cannot as yet think of more who are fitt and will accept of the place, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 13th, Read 14th May, 1729. 2 *pp.* [*C.O.* 137, 17. *ff.* 143, 143*v.*, 144*v.*]

[March 8]. **620.** Extract from above letter. ½ *p.* [*C.O.* 137, 47. *No.* 6.]

March 8. Jamaica. **621.** Governor Hunter to the Duke of Newcastle. *Encloses* copy of preceding letter and refers to his letter to Mr. Delafaye, adding :—The Spaniards on this side continue to talk of warr and act as if it were begun, they are repairing their old forts and raising new ones, and continue their depredations *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. May 10. 1 *p.* *Enclosed*,

621. i. Copy of *No.* 621. [*C.O.* 137, 53. *ff.* 128, 129*v.*]

March 10. N. Providence. **622.** Governor Phenney to the Duke of Newcastle. Encloses annual papers. Hopes that the great want of stores of war indicated will be soon supplied. *Signed*, G. Phenney. *Endorsed*, Rd. June, 13. 1 *p.* *Enclosed*,

622. i. Minutes of Council of the Bahama Islands, 9th Jan., 1728,—2nd Jan., 1729. 33 *pp.* [*C.O.* 23, 14. *ff.* 74, 75*v.*—92.]

March 10. N. Providence. **623.** Governor Phenney to the Council of Trade and Plantations. *Encloses*, by way of So. Carolina, following public papers, including account of gunner's stores, " by which your Lordps. will perceive the great want we are in at this place, which I hope will be supplied." *Signed*, G. Phenney. *Endorsed*, Recd. 14th June, Read 15th July, 1729. 1 *p.* *Enclosed*,

623. i. Answers to Queries from the Board of Trade for the year 1728. Shows only slight variations from return of 16th March, 1728 *q.v.* The Revenue amounted to 367 pieces of $\frac{8}{8}$. 6 negroes imported from S. Carolina. *Same endorsement.* 8¾ *pp.*

623. ii. Treasurer's account of public funds, *Receipts*:—Balance brought forward, £31 2*s*. 3*d*. Public duties, £65 4*s*. 6*d*. Recd. for the Church, £8 3*s*. 6*d*. *Total*, £104 10*s*. 3*d*. *Carried forward*, £45 5*s*. 0*d*. *Signed and sworn to by* Pr. Goudet, Treas. N. Providence, 2nd Jan. 172$\frac{8}{9}$. *Endorsed*, Recd. 14th June, 1729. 1 *p*.

623. iii. Account of Ordnance stores, 12th Nov., 1721—1st Jan., 1729. *Signed*, Wm. Shott, Gunr. *Endorsed as preceding*. $2\frac{3}{4}$ *pp*.

623. iv. List of Baptisms (3); marriages (12); burials (7), in 1728. *Same endorsement*. 1 *p*. [*C.O.* 23, 2. *ff*. 194, 195*v*.—200, 201*v*.—205*v*.]

March 13.
Whitehall.

624. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law Act of New Jersey, 1714, for confirming of conveyances of lands made by wills and powers of Attorney *etc*. [*C.O.* 5, 996. *p*. 256.]

March 14.
London.

625. Memorial of loss and damage (£556 10*s*. New England money) sustained by the capture of the *Princess* Snow by the Spaniards, Dec. 1718, laden with fish from New England for Bilboa, and shipped by Messrs. Gilbert and Cradock for account of Messrs. Raphe and Denn of London. *Signed*, Raphe and Denn. *Endorsed*, Recd. 14th March, 172$\frac{8}{9}$. 1 *p*. [*C.O.* 388, 28. *t*. 66.]

March 14.
Whitehall.

626. Council of Trade and Plantations to the Duke of Newcastle. Enclose copies of Mr. Wall's petition, 8th March, and an account of the loss sustained by Messrs. Raphe and Denn, on board the *Princess* snow bound from New England to Bilboa with a cargo of fish, Dec. 1718, carried into Port St. Antonio *etc*. [*C.O.* 389, 28. *p*. 392.]

March 14.

627. Col. Dunbar to Mr. Popple. *Encloses* following. Is about to sail for Boston, and asks for directions about the masts seized and timber sent to Spain from N.E. Thinks the export of large planks thither should be prohibited, which wd. disappoint the building ships of war. Makes suggestions for amending the act, wh. is urgently needed. *Endorsed*, Recd., Read 14th March, 172$\frac{8}{9}$. *Addressed*. $1\frac{3}{4}$ *pp*. *Signed*, David Dunbar. *Enclosed*,

627. i. Thomas Haley to *David Dunbar*, Jan. 23, 1729. Boston. *Refers* to three former letters. *Continues*:—Friday the 10th currt. I had a letter from Mr. Slade dated at Portsmouth the 7th wherein he tells me that on ye 3rd he seized in the outskirts of the township of Exeter 200 fine masts, from 24 to 28 inches in diameter and of proper lengths for H.M. use, Mr. Dunbar got a letter to ye same purpose, upon wch. he forthwith repaired to Piscataqua, in order to secure if possible ye seizure and to proceed to Casco Bay *etc*. I heartily

wish he may be able to secure the trees, for it is a common practice that so soon as the seizure is made, (for want of proper persons to watch) the country people throw them all into the rivers, and what becomes of them nobody knows *etc.* Mr. Auchmuty, the Advocate General, has given his opinion to Mr. Dunbar that he should prosecute offences of the kind within townships, at common law, though he says he's well assured you'll meet no success here, yet by the Charter you may appeal from such judgment *etc.* As for trees cut down without townships, he is also well assured, we shall meet with none, the great part of the country where these valuable trees grows, being already laid out into townships, merely to evade the Act of reservation. I send you a duplicate of the memorial Mr. Dunbar gave into H.E., who with all ye candor imaginable express'd his readiness to issue a Proclamation, and his intentions (so soon as ye Council meets) to procure such Acts, as will more effectually prevent ye daily practice of destroying H.M. woods. There are now at Casco, one very large and two small ships, loaden with plank for Spain, but as these planks were cut before we came, Mr. Dunbar does not judge he has a power to seize them. Cou'd the exportation of such vast quantitys of timber by any means be prevented, H.M. yards cou'd never want a supply of such timber of all sorts, as Mr. Slade says he has not seen anywhere. It is very moveing to hear complaints at home, for want of timber, when ye King's own subjects here dare with impunity supply his enemies abroad *etc.* *Signed,* Thos. Hardy. *Subjoined,*

627. ii. Memorial of Jeremiah Dunbar, Depty. Surveyor of H.M. woods, to Governor Burnett. *Requests* H.E., in accordance with his Instructions, to issue a proclamation for the observance of the Acts for the reservation of mast trees *etc.*, and obtain from the Legislature the enacting of Acts proper for encouraging naval stores and the prevention of abuses therein, especially obliging makers to put their names and places upon their casks *etc.* *Signed,* Jer. Dunbar. *Copy.* 3¼ *pp.*

627. iii. Mr. Haley to David Dunbar. Jan. 27, 1729, Boston. *Congratulates* him upon Jeremiah Dunbar's getting the 200 trees seized by him condemned in the Admiralty Court at Portsmouth *etc.* *Fears* that they will have a great deal of trouble and expense in guarding them from being cut into logs *etc.* Mr. Dunbar has already marked several fine trees, and is determined to go immediately to Casco Bay and in his way to visit the

woods *etc.* *Continues*:—I find him determined to bring this people to honesty, either by dint of reason, or force of law *etc.* *Signed*, Thos. Haley. *Copy.* 1½ *pp.* [*C.O.* 5, 870. *ff.* 186–189*v.*, 193*v.*; *and* (*duplicates of enclosures only*) 5, 898. *Nos.* 53, 54.]

March 17. Whitehall. **628.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report thereon. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 18th March, 172$\frac{8}{9}$. 1 *p.* *Enclosed*,

628. i. Memorial of David Dunbar, Surveyor General of the lands of Nova Scotia, to the King. For six years past many Protestant familyes transported themselves from Ireland to your Majesty's collonyes on the Continent of America, particularly to New England, where in the Province of Maine lands were assigned to them upon which they made settlements and improvements, until they were constraind by an Act or order from the Council and Assembly to abandon their habitations, which have since been destroyed by the Indians; there are 600 of those familyes desireous of settling upon the East side of the River Kennebeck wch. is the limits of the Government of New England, they onely wait until lands are assigned to them, and a proper place fixed whereon to build a towne, which would be a more considerable building than any collony ever had abroad; among those people there are artificers of all kinds and many able men who could defend themselves from any insult from the Indians; many New England people are also desireous to remove to the said River of Kennebeck, but neither they nor the others from Ireland will settle on Nova Scotia, the country about Kennebeck haveing been formerly settled and the lands cultivated under the Duke of York, tho' afterwards layd wast when taken by the French many of whom do yet remaine upon Nova Scotia, who by ye Treaty of Utricht were to deem themselves subjects to England *etc.* If powers are granted for assigning lands to those people, they will be contented to pay a growing chief, or quit rent, which may increase one penny sterl. per acre every five or 7 years, until it comes to sixpence, or as high as may be thought reasonable *etc.* If those people are not allowed to settle where they desire, which joyns to New England, they will remove elsewhere, they are now liveing upon the small remains of what they carried with them from Ireland and many of them reduced to great hardships by being obliged to quitt their settlements after haveing layd out their sub-

stance thereon. It has been proposed to me that 500 Palatins familyes, among whom artificers of all kinds, would transport themselves to this new settlement upon the same termes and encouragement beforemention'd; thus a strong Collony would be planted without any publique expence, and would consist of people zealously affected to your Majesty and may hereafter be of singular service against any troublesome neighbours. As I was prevented by long indisposition to goe to America, I sent away my Deputy, and am now in a few days to imbarque, and to mark out and survey 200,000 acres to be perpetually reserved for a nursery of timber for the Royal Navy, in Nova Scotia. I most humbly submit, whether I ought not to have an order for 40 men, in one or two partys as I find convenient from the garrison of Anapolis, to protect me, my Deputy and assistants from any insult from the French on Nova Scotia, or the Indians under their influence *etc.* 2½ *pp.* [*C.O.* 217, 5. *ff.* 97, 98–99, 100*v*.]

March 18. St. James's. **629.** H.M. Warrant for affixing the Great Seal to Commissions for two privateers for seizing pirates in the seas of the Spanish West Indies. *Countersigned,* Holles Newcastle. *Copy. Annexed,*

629. i, ii. The Commissions referred to in preceding. *Copies.* [*C.O.* 324, 36. *pp.* 101–104.]

March 19. **630.** Mr. Dunbar to Mr. Popple. *Refers to* his Memorial (*No.* 628, i.), and offers to produce authorities for each particular *etc. Continues:*—The people who have wrote to me from America, have done it upon a personal knowledge of me. I was quarterd among them and had the honour to command and proclaime our late King when most of ye Churchmen in yt. country were poyson'd in their principles by the late Dr. Hickman, Bishop of Londonderry, and were willing, with a small encouragemt. to act the reverse of what was happyly begun there in 1688 *etc.* All beginnings of settlement are both troublesom and expensive, and ye lands proposed, haveing been formerly cultivated, and at this time actually seizeing and great part possessing of late by some of the New England people, some of whom have marked large tracts for themselves, they will thereby have it in their power to commit the same wasts and abuses as they have in their own country, and it will be difficult if not impracticable to dispossess them, or prevent ye wasts if not some regular settlement and authority in that neighbourhood; I did not propose any sallary to myself if I was vested with such power, nor do I think that more land than one modern township of New England would be necessary

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for those petitioners *etc.* *Proposes to* wait upon the Board on friday. *Continues* :—I have hired two men to carry with me, one has been many years in Russia, and perfectly understands ye raiseing of hemp and makeing pott ash, wch. their Lordships may see in 4 hours tryed here ; the other a Hamburgher who understands cureing of sturgeon, of which there is great plenty in Kennebeck River. I have now some, as good fish as any in ye world, but too much salted and ill cured, and it is to be had there when there is none in the East Countrys *etc.* *Concludes* :—If it be thought that anything I am proposeing would induce more of the protestants to quit Ireland, I will tell of an expedient effectually to prevent it, upon wch. I will pawn my credit. *Signed*, David Dunbar. *Endorsed*, Recd., Read 19th March, 172$\frac{8}{9}$. *Holograph.* 4 *pp.* [*C.O.* 217, 5. *ff.* 101–102*v.*, 103*v.*]

March 21.
Whitehall.

631. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Autograph signatures.* 1 *p.* *Enclosed*,

631. i. *Same* to the King. *Quote* from Mr. Dunbar's Memorial (*v.* 17th March). *Continue* :—We have ever thought the settlement of Nova Scotia of so great consequence, that we have at different times propos'd several encouragements to induce people to settle there, particularly 7th June, 1727 *etc.* *Continue* : A settlement is now design'd without any expence to the publick ; and therefore we are humbly of opinion that this proposal deserves all reasonable encouragement. But as a settlement on other parts of Nova Scotia might be of greater advantage to the Province than on the place, where 'tis now propos'd, we take leave to observe, That in order to render this Province secure from the French inhabitants who have it in their power whenever they please from their great majority in numbers, to disturb your Majesty's subjects, it is become absolutely necessary to make one chief settlement at or near Annapolis Royal, the present seat of Government, and another at or near Canço, which by reason of it's situation will when properly settled, be of the greatest consequence, not only upon account of the valuable Fishery carried on at that place, but on account of it's neighbourhood to Cape Breton. The French inhabitants of Nova Scotia, who refuse to take the oaths of allegiance to your Majesty, and still remain there, contrary to the Treaty of Utrecht, have been, and are still the great support of all the French Colonies in their neighbourhood, by supplying them with furs, fish, cattle, corn, provisions and timber of all kinds. And we have reason to

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believe, that without their assistance Cape Breton would never have been establish'd upon so good a footing. We should not have repeated this again, but that it shews the consequence of encouraging families to settle there, this Province for want thereof having hitherto been an expensive burthen to Great Britain, whilst the French have reap'd real advantages from the produce of the country. It is for these reasons that we think the people who now propose to settle in Nova Scotia will be more advantagiously situated near Annapolis Royal and Canço than to the eastward of Kennebeck. We have upon this occasion been attended by Mr. Dunbar, who informs us that he has already taken his passage for Nova Scotia, and therefore we humbly take leave to propose to your Majesty, that he be instructed immediately upon his arrival to sett out at least the 200,000 acres of land in proper places as a nursery of trees for your Majesty's use, and that so soon as this is done your Majesty's Governor be directed forthwith to sett apart a sufficient quantity of land for these new inhabitants under the following conditions vizt. : that 50 acres of land be granted to each person, upon his or her arrival, free from fines and likewise from quit-rents for the first ten years. That double that quantity of land be granted to carpenters, smiths, masons, joyners, brickmakers, bricklayers, and to all other artificers necessary for building or husbandry, upon the same terms. That the encouragement propos'd in Colo. Philipps' Instructions for intermarriages with the Indians be extended to these new settlers, vizt. £10 sterling and 50 additional acres of land free of quit rent for the space of 20 years, to every white man being a Protestant, who shall marry an Indian woman, native and inhabitant of Nova Scotia. And if any substantial family is found capable of improving a larger tract, that the Governor be at liberty to grant them land not exceeding 1000 acres free from fines and quit rents for ten years, under proper conditions and restrictions with respect to the cultivation and improvement thereof. And that all these aforementioned grants be made free from any charge to these new settlers. As to the other part of Mr. Dunbar's memorial, desiring an order for 40 men from the garrison to protect him *etc.*, we think it will be of advantage, considering the danger they must be expos'd to from the French inhabitants and from the Indians. [*C.O.* 218, 2. *pp.* 123–129 ; *and* (*covering letter only*) 217, 31. *No.* 24.]

1729.
March 21.
Whitehall.

632. Mr. Popple to Peter Soulegre. *Enquires* whether and when he intends to return to St. Christophers, to take his place in the Council there. [*C.O.* 153, 14. *p.* 411.]

March 24.
London.

633. Mr. Soulegre to Mr. Popple. As it is uncertain if he will return to St. Christophers, requests appointment of a Councillor in his stead. *Endorsed,* Recd. 25th, Read 28th March, 1729. *Holograph.* 1 *p.* [*C.O.* 152, 17. *ff.* 31, 32*v.*]

March 25.

634. Mr. Attorney and Solicitor General to the Council of Trade and Plantations. Report upon two Acts of Jamaica referred to them Feb. 25th, *q.v.* Point out some variances between (i) and the draught of a bill for raising a revenue and Governor Hunter's Instructions enclosed Feb 25th, upon which some questions of law arise. No question of law arises upon the second Act, which expires 29th March. *Signed,* P. Yorke, C. Talbot. *Endorsed,* Recd. 26th March, Read 9th May, 1729. 5½ *pp.* [*C.O.* 137, 17. *ff.* 139–141*v.*, 142*v.*]

March 25.

635. Petty expenses of the Board of Trade, Christmas 1728 to Lady day, 1729. (*v. Journal.*) 7 *pp.* [*C.O.* 388, 79. *Nos.* 40–43.]

March 25.
Whitehall.

636. Council of Trade and Plantations to the King. Recommend for confirmation, (i) Act of Nevis *for providing a house and settling* £500 *pr. ann. upon H.E. etc.* (ii) Act of St. Kitts *for settling* £2000 *etc. upon H.E.* [*C.O.* 153, 14. *pp.* 411–413.]

March 25.
Whitehall.

637. *Same* to *Same. Representation upon* two acts of Virginia, 1705, *for declaring how long judgments etc. shall be in force etc.* and *for limitations of actions etc.,* "the Virginia merchants having complain'd to us of the hardships they suffer'd from the first of these acts [which] is in many particulars repugnant to the statute of limitations 21st K. James I, whereas that statute seems to have been the plan upon which the second act was founded, every particular thereof being by this, enforced and pursued. Among the particulars in which the statute of K. James and the first of these Virginia acts disagree, there is one which in our humble opinion seems to be of very bad consequence to the trade of this Kingdom ; and that is, the limitting a time, after which neither bond or judgment, shall be in force ; we therefore humbly lay the first before your Majesty for your disallowance, and the second for your royal confirmation." [*C.O.* 5, 1366. *pp.* 16, 17.]

March 26
Boston.

638. Jeremiah to David Dunbar. Since his letter of 14th Jan., he has ridden through the woods to Casco Bay and Kennebeck river, "above 800 miles the most part of it up to

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the horese's belly in snow." Whilst he was there, the country fellows in N. Hampshire cut into logs 40 of the trees which had been seized and condemned there. "This provok'd me so much that I went again to all their saw mills wch. are above a hundred in number, where and in the woods adjacent I seiz'd 1300 loggs some of which are 40 inches in diameter, and 280 fine white pines" *etc.* They were to be tried yesterday *etc.* The greatest difficulty he will meet with will be in Maine, where Mr. Cook has a large interest; however he has seiz'd 94 logs in the township of Berwick, which will be enough to try the title *etc.* "It wou'd grieve you to see what distruction has been made in the woods, there is scarse a tree standing anywhere within 6 or 7 miles of the waterside between this and Kennebeck that is worth hauling to the bank. Col. Westbrook, Agent here for the Contractor, is forced to go nine or ten miles into the woods for masts, for the carriage of which he is at a great expense in cutting slay roads to the waterside" *etc.* A provision to preserve white oak and ash is needed. (*v.* April 21st.) Has shown the directions for raising hemp and making pitch and tar to a great many of the people, "but while they can cut the pine trees and steal them away, they think it less labour to log, and laugh at us for proposing it" *etc.* *Proposes* to give in a memorial to the Assembly to pass an act on that head. Is setting out for the Narraganset country, where he is told there is some very fine timber *etc.* *Signed,* Jer. Dunbar. *Endorsed,* Recd. 14th, Read 16th May, 1729. *Copy.* $2\frac{3}{4}$ *pp.* [*C.O* 5, 870. *ff.* 216–217*v.*]

March 26. Whitehall. **639.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expenses and officers' salaries for quarter ending Lady Day. Account annexed. [*C.O.* 389, 37. *pp.* 300, 301.]

March 26. St. James's. **640.** Order of King in Council. Approving draught of Seal (*v.* 24th Jan.) for Nova Scotia, and ordering the chief engraver of seals forthwith to engrave a silver seal according to it, *etc.* The seal and motto described, *v.* A.P.C. III. *No.* 159. *Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. $1\frac{1}{3}$ *pp.* [*C.O.* 217, 5. *ff.* 119, 119*v.*, 120*v.*]

March 26. Virginia. **641.** Lt. Gov. Gooch to the Council of Trade and Plantations. As I have mett with no proper oppertunity of writing to your Lordships for some moneths past, I gladly lay hold of the first conveyance by the ship *Randolph* of London, to trânsmit to your Lordships the Council Journals from the 13th of June last, with other publick occurrences since that time. I shal first take notice of the feuds which have lately arisen between two of our tributary Indian nations, the Nottaways and the Saponies, occasioned by murders committed on some of each nation, whereof they accuse one another, and both were obliged to apply to the Government for justice: But upon a strict examination at two Councils, the 16th and 22nd of August, at which both nations were present, no such discovery could be made as to amount to a legal proof, whereon to convict or punish either of the parties. Notwithstanding this, it was in vain to remonstrate to these savages the justice of our laws which permit no man to be punished without due proof of his crime: Their notions of justice were not to be adapted to that rule. Revenge was what both sides wanted; and because they were forbid all hostility, and were told that this matter should still be pursued and enquired into by us, they seem'd resolved to take satisfaction their own way, expressing great resentment against the English for not concurring with them therein; so that I every day expect to hear of an encounter between them which will certainly happen, whenever they meet in their hunting. If this was all, your Lordships must give me leave to say, I should be little concerned at the event: But as our frontier inhabitants lye at the same time exposed to the barbarous insults of these Indians, and the foreign nations they call in to their aid, this in all probability will involve us in continual skirmishes and alarms with them; and in November last about a dozen families of our outward inhabitants were, with guns and arrows, forced by them from their habitations, to which however they soon returned. Besides this, we are in no small danger from our slaves, (at least we ought to guard against them) an instance whereof happen'd this winter in Prince George County, where a number of them being got together in a riotous manner, threatened the officer, who executing the laws seized some and dispersed the rest, for which his barn the night following was burnt down. Nor my Lords are these all our fears, the secret robberies and other villainous attempts of a more pernicious crew of transported felons, are yet more intollerable; witness the dwelling house and outhouses of Mr. Thomas Lee which in the night time were sett on fire by these villains, and in an instant burnt to the ground, a young white woman burnt in her bed; the gentleman, his wife and three children very providentially getting out at a window, with nothing but their shifts and shirts on their backs, which was all they saved, not two minutes before the house fell in—and this was done by these rogues because, as a Justice of the Peace, upon complaint made to him, he had granted a warrent for apprehending of some of them. They are not yet discovered: In consideration of this gentleman's misfortune, which he is not well able to bear, and as it arises from the discharge of his duty as a Magistrate, I have been prevailed upon to interceed with your Lordships, that his case may be recommended to H.M., for his royal bounty of two or three hundred pounds towards lessening his loss, which was the more considerable by a very good collection of books. To provide my Lords in the

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only way I can against these dangers, I thought it proper to look narrowly into the state of the Militia, and have been surprised to find that after so much care taken in framing of laws to arm and train a Militia fit for service, so little regard hath been had to the only thing which could render them useful; for to no purpose are men obliged to provide themselves with arms and ammunition, and to attend the musters at stated times, or to be ready to march whenever danger cals them out, if when they are got together, scarce one officer knows how to form them or how to instruct them in the use and exercise of those arms they bring with them. The Council were all of them sensible of this defect, and of the dangers which threaten us; and desired me to appoint an adjutant to put the Militia into a proper method of discipline, which I have accordingly done, constituting a gentleman they recommended, who is a very active and an understanding man, and no doubt will merit the sallery of £150 p. anm. which the Council the 2d. of November judged reasonable to allow him for his trouble. He is now employ'd in teaching the officers in those Countys most expos'd to danger, and I hope by this means to bring all the Militia of the Colony into such an uniform and regular method of exercise, as to be a sufficient guard against all the attempts of Indians, or the intestine insurrections of slaves and convicts. And as I weighed the argument on all sides, even that whereby it may be thought dangerous to make men too knowing in military matters, and opposed to it the loyalty and fidelity of the inhabitants to His present most excellent Majesty, and that they are engaged by interest as well as affection to Great Brittain, as also, that it was agreable to my 96th Instruction, I could not resist the reasonableness and necessity of it, point of time admitting of no delay, and hence promise myself that your Lordships will approve of the allowance given to this new officer; as an expence highly requisite, and a prudent application of H.M. Revenue. It was but a little time my Lords before the last General Court that I had the honour to receive H.M. Instructions to which my Commission refers. On the perusal of them I found that Mr. FitzWilliams, who on his appointment to the office of Surveyor General of the Customs in the Southern district of America, had also been constituted of the Council of Virginia, as well as Jamaica, and South Carolina, was not named with the others in my Instructions. However, as he still continues to act in that post which at first gave him a pretension to be of the Council, I thought it improper to lay him aside, and although his letter is not renewed, he still keeps his seat at our Board. But my Lords the Council are of opinion, and it seems have been all along, that he has no title to sitt as Judge of the General Courts; the right he claims the priviledge by, is taken from a law of this Country, which appoints the Council the judges; but then they say, that the law can mean only those whose names are in H.M. Instructions, the gentlemen of the Country, that have estates here, who in truth are thought by everybody the only fit persons to judge of the property of others. Out of regard to order and quiet, I am under the necessity of troubling your Lordships with this dispute, and I hope for a decision from your Lordships which will prevent for the future an altercation which hath sometimes subsisted. The Commissioners appointed for settling the boundaries between this Colony and North Carolina having finished that tedious and troublesome affair, occasioned by thick woods and rivers they were obliged to pass, I have herewith sent your Lordships their report with the plans of the line as it is now run and markt out. Your Lordships will find (for which there is a protest and an answer) that after the Commissioners of Carolina had gone with ours a certain distance beyond their own inhabitants, they refused to proceed any farther, urging several reasons which I think little to the purpose, and might with equall force have been insisted on before they went so far; but one of our Commissioners concurring with them, they returned to Carolina and Mr. FitzWilliams came back, leaving Mr. Byrd and Mr. Dandridge to discharge the more difficult part of the duty, which they continued to do for six weeks after the seperation, in which time they finished the remaining part of the line up to the Great Mountains, and I dare to answer for it, with such exactness (as the Surveyors were bound by oath to do) that I hope it will be allowed to be of equal validity with that part of the boundary in which all parties were present. It remains that I beg your Lordships directions how the expence of this work shall be paid. (I find that the Commissioners or Surveyors sent out in 1711 on the same service were paid out of the quit rents by a warrent from the Treasury, and though they were then out only one moneth, the Commissioners had one hundred pounds sterl. each and the Surveyors 20*s*. p. diem a man; and the present gentlem. expect a proportionable allowance, and they that concluded the line think and are thought to deserve more than he that left them and came home.) There are also sundry considerable charges for men and provisions, some with arms for their guard, chain carryers, markers and other necessary attendants. As these could not wait till their payment was directed from England, that, and the charge of the provisions have been advanced out of the 2*s*. p. hhd. the whole will be above 1000*l*. I hope to receive your Lordships signification of H.M. pleasure both as to the quantum to be allowed to the several gentlemen and the fund for payment thereof, two Commissioners and two Surveyors were out sixteen weeks, and one Commissioner about nine weeks. I have already written to your Lordships on the subject of the Spotsilvania lands mentioned in the Journal of 2d. of November in a letter dated the 6th of the same moneth, that I shal now only send a duplicate of that letter, and pray your Lordships speedy direction therein, for every delay will encrease the difficulty both on the officers of the Revenue and the patentees. I have also sent your Lordships the copy of a letter which setts forth the reasons for repealing the clause which prohibits the importation of stript tobacco; and the depositions of the Master of a ship taken by a pirate; much about that time the same pirate took another ship which is gone to Maryland *etc.* On the death of Peter Beverly Esq. one of the Council, I take this first oppertunity to recommend to your Lordships to fill up that vacancy, Col. Henry Harrison whom I formerly introduced to your Lordships as a gentleman in all respects qualified for that trust. And the following names are such as by my 6th Instruction I am required to transmit, men firmly attach'd to his present most excellent Majesty, of good life, estates and abilities. Henry Armistead, John Jones, David Bray, John Taylor, Gawin Corbin, William Cole, Henry Fitzhugh, Armistead Churchill, David Meriwether, Francis Willis, Robert Carter, John Lewis. I hope no application will prevail with your Lordships to recommend any person that is not named in this list. I have reason to suspect that some may offer themselves, who are not so well known at home as they are here; but as I am not forward in giving of characters, I shal content myself with cautioning your Lordships against Mr. Thomas Corbin only. My nomination is no otherwise out of favour or affection to their persons than as they are good men, and I am under no obligation to prefer any of them besides what their merit and my duty to my Sovereign engage me to. About two moneths since a ship of 150 tunns bound to Maryland was lost coming in at the Capes, which could not have hap'ned had there been a lighthouse; but as that project is like to come to nothing, your Lordships must give me leave to say, that tis meer obstinacy in our neighbours and those merchants that opposed it, who have and will suffer by the want of it. Nor was there the last year, nor is there this, one Captain of H.M. ships, or Master of a merchant ship, but what finds the want of it, and is sensible of the great service it would be to the shipping. This my Lords I enquired into before I proposed it to the Assembly, and was led to it by my own observation and experience, having been obliged when I came into the country after making the land, but not discovering the Capes, to keep out at sea all that night, by which we very narrowly escaped being taken. I hope your Lordships will put a favourable construction upon what I have the honour now to report to your Lordships; for tis a faithfull declaration that I make, when I tell your Lordships I have no other views than with great integrity to discharge my duty to H.M., *etc.* *Signed,* William Gooch. *Endorsed,* Recd., Read 3rd June, 1729. *Holograph.* 3½ *pp.* *Enclosed,*

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641. i. *Same* to the Duke of Newcastle, 28th Feb., $172\frac{8}{9}$. *Supports* address of the planters against the clause in the act prohibiting importation of tobacco strip from the stalk. States at length the reasons which induced him to encourage the address, shewing that "H.M. interest is made the foundation of the advantage proposed thereby to His people" *etc. Signed,* W.G. *Same endorsement. Copy.* 3 *pp.*

641. ii. Copies of three Proclamations by Lt. Gov. Gooch (i) 20th Sept. and 2nd Nov., 1728, removing embargo on export of wheat, flour and grain, (ii) 24th Oct., 1728, further proroguing the Assembly till 15th May. *Endorsed,* Recd. 3rd June, 1729. 1 *p.*

641. iii. Deposition of John Batting, Master of the ship *Triumph* of Plymouth. On 7th Jan. was plundered by a French pirate, 50 leagues w. of Bermuda. The pirate desisted from destroying his ship in order to chase and capture a snow which appeared in sight. *Signed,* J. Batting. *Endorsed as covering letter.* 1 *p.*

641. iv. Account of H.M. revenue of 2*s.* per hhd. in Virginia, 25th April—25th Oct., 1728. *Signed,* John Grymes, Recr. General. *Audited by* John Blair, Depty. Audr. *Same endorsement.* 4 *pp.*

641. v. Journal or Field Book of the proceedings of the Surveyors appointed for determining the bounds between the Colonies of Virginia and Carolina. 5th March—4th April, and 20th Sept.—26th Oct., 1728. *Signed,* Alexr. Irvine. *Same endorsement.* $30\frac{1}{2}$ *pp.*

641. vi. Protest of Boundary Commissioners of N. Carolina, 7th Oct., 1728. Having with the Commissioners for Virginia run the line from Curratuck Inlet to a southern branch of Roanoak river, being in the whole 170 miles, and near 50 miles without the inhabitants, they are of opinion that the line was run as far as would be requisite for a very long time, and the carrying it further would be a needless charge and trouble, the grand debate between the two Governments about Wyanoke river or creek being settled at their former meeting in the spring, when they were ready to have gone with the line to the outmost inhabitants, whence it might have been continued when needed in an age or two, by a surveyor appointed by each side. The Virginian surveyors, having replied that they should proceed alone if they desisted, "we conceiving that by virtue of H.M. Order in Council they were to act in conjunction with the Commissrs. appointed for Carolina . . . hereby dissent and disallow of any further proceeding with the bounds without our

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concurrance" *etc.* *Signed,* C. Gale, J. (?) Oviek, E. Moseley, W. Little. 2 *pp.*

641. vii. Reply of Virginian Boundary Commissioners to preceding, Dec. 11, 1728. The plain meaning of the King's order, assented to by the Lords Proprietors, was to ascertain the boundary as far towards the mountains as possible *etc.*, that both the King's land and that of the Lords Proprietors may be taken up the faster, and that H.M. subjects may as soon as possible extend themselves to that natural barrier. This they will do in a few years, when they know in which Government they may enter for the land, *etc.* *Signed,* W. Byrd, W. Dandridge. Note by Lt. Governor Gooch. The Commissioners of N. Carolina should have said they were 50 miles without *their* inhabitants and by the same rule should have gone 50 miles beyound ours *etc.* *Same endorsement.* 3 *pp.* [*C.O.* 5, 1321. *ff.* 110–117*v.*, 119–127, 128–134, 135*v.*–138, 139*v.*]

March 26.
St. James's.

642. Order of King in Council. Approving representation of 12th Feb., and ordering warrants for renewing the appointment of Richard Fitzwilliam to be of the Councils of Virginia, S. Carolina and Jamaica. *Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. 1¼ *pp.* [*C.O.* 5, 1321. *ff.* 146, 146*v.*, 147*v.*]

March 27.
Whitehall.

643. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following to be laid before the King. *Autograph signatures.* 1 *p.* *Annexed,*

643. i. *Same* to the King. In obedience to your Majesty's commands, 29th Jan., we have considered Mr. Burnet's letters and the Address of the Representatives of the Massachusets Bay referred to us March 1st *etc.*, and having heard Council, as well on behalf of the Governour, as on behalf of the Assembly, we humbly take leave to represent; That one chief reason assign'd by the Assembly agt. settling a fix'd salary upon the Governor, is, that the Governor shou'd be induc'd by his own interest, as well as duty to your Majesty, to consult the interest and welfare of the people, but that should he have a fix'd salary, his particular interest would be very little affected by serving, or disserving, that of ye people. The only meaning which we can draw from this [*is*] that they would pay their Governor in proportion as they judge he shall deserve, by giving his assent to all such acts, and by doing all such other matters as they shall think fitt to propose to him. This to us, is the strongest reason for thinking it

absolutely necessary that a fix'd salary should be settled upon the Governor, that he may be at all times free in doing what he judges most conducive to the good of the Province, and the interest of Great Britain, and to the maintaining of your Majesty's Prerogative, without fearing the resentment of ye people, and thereby run the danger of losing his support. They have, it's true, offer'd Mr. Burnet a large salary, or present, for the time he has been with them; But we very much fear it was to tempt him to give up your Majesty's Instructions in this particular, and therefore we must in justice to Mr. Burnet, represent to your Majesty, that we think he has acted with honour and integrity, in refusing what they would in this manner have given him. By the Charter granted to the Massachusets Bay, the General Court is empowered to impose and levy taxes to be issued, and disposed of by warrant from the Governor wth. ye consent of ye Council for the service of the Crown, in ye necessary defence and support of the Government; and as the Government of this Province consists of a Governor, Council and Assembly, the Government as intended by the Charter, can never be said to be supported, so long as the Governor, who is a chief and necessary part of the Legislature, shall be in the power of the Assembly, by being dependent upon them for his subsistance. In this Government the Assembly is chosen annually, and the Assembly chuse the Council; so that as the Assembly may properly be said to have two branches of the Legislature in their own power, it seems the more necessary that ye Governor should be made independent of them. Upon looking back into the Acts of this Province, we find one pass'd there, in 1692, whereby a salary, or allowance of three shillings a day, is given to the Representatives. This was in 1714 increased by Act of Assembly to 4 shill. a day and afterwards in 1726 by another Act again encreased to six shillings a day; and a salary given at the same time, to ye Members of ye Council of ten shillings a day; and we cannot conceive why their allowance shou'd be thought more proper to be settled, and fix'd than the Governor's salary. By what has been offer'd to us, from the Council in behalf of the Assembly, as well as by their Address, they seem entirely averse to settle a certain salary upon the present Governor, and those who shall succeed him, yet as we judge it absolutely necessary for yor. Majesty's service, that the independency of your Governor there, should be preserv'd; we humbly take leave to

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propose that Mr. Burnet be instructed to insist upon a fix'd salary of one thousand pounds sterl. pr. annum, at least, to be by a law settled upon him, during the whole time of his Government, and to be paid him, out of the Treasury of the Province in the same manner, as the salarys to the Members of ye Council and Assembly are paid. If your Majesty shall be graciously pleas'd to explain your Instructions, in so favourable a manner, agreeable to your Matie's Instructions given to other Governors, and the Assembly shall not then think fit to comply; the only means, we know of, to bring them to a sense of their duty, is, that your Majesty shall be pleas'd to lay an account of their conduct before your Parliament. As to their complaint against the Governor for having adjourn'd the General Court from Boston, His late Majesty, in Council upon a former complaint of this nature agt. Col. Shute, did determine that point in favour of the Governor; and we do not see why Mr. Burnet's conduct should be call'd in question for having acted agreable to that determination. *Autograph signatures.* 6 *pp.* [*C.O.* 5, 752. *Nos.* 38, 38 i; *and* 5, 916. *pp.* 183–189].

March 27. Whitehall. **644.** *Same* to the Committee of the Privy Council. In reply to reference of March 1st, enclose copy of preceding representation. [*C.O.* 5, 916. *pp.* 190, 191].

March 28. St. James's. **645.** H.M. Warrants appointing and continuing Richard Fitzwilliam, Surveyor General of the Customs, to the Councils of Virginia and South Carolina and Jamaica. *Countersigned,* Holles Newcastle. *Copy.* 2 *pp.* [*C.O.* 5, 361. *ff.* 146, 146*v.*, 147*v.*; *and* 324, 36. *pp.* 107—110].

Mar. [—]. **646.** Petition of Joseph Gledhill and William Crosse, to the King. Samuel Gledhill, Lt. Governor of Placentia, and father of first petitioner, paid, by permission, £1200, to a Gentleman in the Army, upon his relinquishing said post, when his 35 years service in the army were rewarded by H.M. Commission of Lt. Governor. Upon the complaints of several masters of ships, he has been recalled and his pay stopped. *Pray* that it may be continued, being the maintenance of 8 children. Crosse and other merchants of London are ready to testify to his encouragement and protection of their shipping to Newfoundland *etc.* *Signed,* Joseph Gledhill, William Crosse. 1 *p.* [*C.O.* 194, 23. *No.* 36].

March 31. Boston. **647.** Governor Burnet to the Duke of Newcastle. I have seen so much of the temper of the people of this province, that

I humbly conceive that some of H.M. forces upon the British establishment, will be necessary to keep them within the bounds of their duty. *Refers* for his reasons to following. *Continues :* I flatter myself that your Grace will have the goodness to represent the matter to H.M. in such a light, that two Independent Companys of 100 men each may be ordered to this place, of which I humbly hope, that one will be under me as their Captain and the pay and clothing of both the Companys under my care, in the same manner, and at the same rate as the four Companys at New York *etc. Signed,* W. Burnet. *Endorsed,* R. 24th July. Copy sent to Ld. Townshend. $1\frac{3}{4}$ *pp. Enclosed,*

647. i. Duplicate of following. [*C.O.* 5, 898. *Nos.* 56, 56 i.].

March 31. Boston. **648.** Governor Burnet to the Council of Trade and Plantations. Among the many attempts that the people of this province have made to be independent, I think the greatest and most dangerous is that of *endeavouring to wrest the sword out of the Royall Hand,* as Govr. Shute expresses it in his complaint to His Late Majesty, and for this reason he formed three of his seven charges against the Assembly upon this point, his instances that they pretended, by their own authority, First to demolish forts. 2nly to stop the pay of the Forces. And 3dly to order them to be mustered by their Committee. These charges were indeed confessed by the Assemblys Council to be just upon the hearing before the Committee of the Lords of the Privy Council. But as I have had experience of the little regard shewn to His late Majesty's orders upon that hearing, in the Assemblys disputing the power of the Governor to adjourn them from Boston to Salem, I have all the reason in the world to apprehend that they will whenever they think fit, abandon forts and stop the pay of the Forces, as they do at this time continue to examine the musters, before the men can be paid. In this manner it depends on them to strip me of all military force at their pleasure, and indeed as it is, the soldiers and officers are in fact much more at their command than mine. I can see no possible remedy to this encroachment on the Royall Authority, of so great importance, unless H.M. will be pleased to order some of the Forces in his own immediate pay to be posted in this Province. I humbly conceive there is not less need of them in this Province than at Nova Scotia or Newfoundland or New York. And as his late Majesty ordered an Independent Company to Providence and another to South Carolina ; I would humbly propose that two Independent Companies of one hundred men each may be sent to this Province, one to garrison the Castle near Boston, and another to be divided among the small forts on the frontiers. This one thing would I am persuaded signify more than anything else to give the Government here some weight and to make H.M. be respected by the people who at present value themselves upon the feebleness of the

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Administration. If your Lordships think what I propose to be reasonable, I hope you will be pleased to lay it before H.M. for his Royall approbation. *Signed*, W. Burnet. *Endorsed*, Recd. 12th, Read 23rd May, 1729. 3½ *pp.* [*C.O.* 5, 870. *ff.* 224–225*v.*]

March 31. Boston. **649.** *Same* to Mr. Popple. *Encloses* following newspaper, "where I have marked the vote of the last town meeting here for the encouragement of the Representatives. I likewise desire you to lay the enclosed certificate before their Lordships in order to rectify a mistake in my Instruction for New Hampshire in the list of Councillors, where *James* is named instead of *John* Penhallow, as the said James himself informed me that he sollicited Governour Shute to recommend his brother John, and not himself, he not living in the place, but being continually employed in voyages at sea" *etc.* Asks if a new warrant will be needed. *Signed*, Wm. Burnet. *Endorsed*, Recd. 12th May, 1729. 1⅓ *pp.* *Enclosed*,

649. i. The New England Weekly Journal No. CIV. Monday, March 17, 1729. With passage marked by Governor Burnet. Vote of Town meeting for payment by the Town Treasurer of the Representatives for their sessions at Salem, they "having steadfastly adhered to the rights and privileges of people of this Province, and have been hitherto extraordinarily prevented any allowances" *etc.* *Endorsed as preceding.* *Printed.* 2 *pp.*

649. ii. Affidavit by Benjamin Pollard and William Brock. Governor Shute named Capt. Penhallow to the Board, whose Christian name was subsequently inserted as John. *Signed*, Benj. Pollard, Will. Brock. *Endorsed as preceding.* 1¼ *pp.* [*C.O.* 5, 870. *ff.* 226, 226*v.*, 227*v.*–228*v.*, 229*v.*–230*v.*, 231*v.*]

April 1. **650.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of New Jersey *for confirming conveyances etc.* (*v.* March 14). *Signed*, Fran. Fane. *Endorsed*, Recd. 17th, Read 29th May, 1729. 1 *p.* [*C.O.* 5, 972. *ff.* 178, 181*v.*]

April 1]. **651.** Bill *for the better preservation of H.M. Woods in America, and for the encouragement of the importation of naval stores from thence etc.* *Endorsed*, Read 17th and 25th April, 1729. *Printed copy.* 10⅔ *pp.* [*C.O.* 323, 9. *ff.* 1–6*v.*]

April 2. **652.** Governor Philipps to the Duke of Newcastle. I being now ready to embrace the first opportunity of obeying H.M. commands in repaireing to the Government of Nova Scotia, (which I was unhappyly prevented of doeing last fall by the only reason that my patent could not pass all the forms before the season of navigation to that country was over) doe humbly pray your Grace's letter to the Board of Admiralty that I may be reciev'd on board the first station ship that sayles for Placentia or Canso *etc.* *Signed,* R. Philipps. 1 *p.* [*C.O.* 217, 38. *No.* 22.]

April 2.
New York.

653. Governor Montgomerie to the Duke of Newcastle. *Asks for* commissions for two officers of the company at Albany, whom he has promoted upon the death of Major Lancaster Symes. *Set out,* N.Y. Col. Docs. V. *p.* 875. *Signed,* J. Montgomerie. *Endorsed,* R. May 10. *Holograph.* 3 *pp.* [*C.O.* 5, 1086. *f.* 9 ; *and* 5, 1093. *ff.* 12–13*v.*]

April 5.
Antigua.

654. Governor the Earl of Londonderry to the Council of Trade and Plantations. *Begins as following covering letter. Continues* :—This law (*to tax transient factors*) the inhabitants are very anxious about and hope your Lordps. will think it just and reasonable that a set of transient factors, to whom by the Court merchant act the Legislature here have given the peculiar advantage of recovering their debts not exceeding £100, and having execution for them at all times in the year, and in so speedy a way as about eight days from the commencement of the suit ; should contribute something to a country where they have such superior advantages to the resident merchants, by which they have turn'd the channel of trade from them and in a manner monopoliz'd the whole commerce of the island. Your Lordps. will please to observe this tax is applicable to very good purposes, such as finishing English Harbour which is a safe reception for all ships in the hurricane time and for building cisterns to retain large quantitys of rain water for their use and afterwards for other works which your Lordps. by the bill will perceive are absolutely requisite. I am sorry I have reason to write to your Lordships, of the extraordinary proceedings of the Spanish guarda da costas, who in time of peace, or at least of suspension of war with their nation, attack our ships as if we were actually at war with them, and your Lordships will perceive by the following account, a flagrant instance of their so doing : On 30th Jan., 172$\frac{8}{9}$, the pink *Pheasant,* commanded by William Wilson, of the burthen 250 tons, was attack'd and taken by a Spanish privateer commanded by Don Cyprian of Porto Rico, in the latitude of 28 and 30, as she was proceeding in her voyage from Barbadoes to South Carolina. The privateer, after she had taken the *Pheasant,* stript the Captn. and all his men, used them in a very cruel manner, and carried them to Porto Rico, where they have detained the ship and cargo, to the loss and damage of the master, of upwards of £4000 sterl., who is the sole owner of both. The master and his crew came from Porto Rico to St. Christophers, where they made their protest, and gave me also a petition stating these facts, which I have by this

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opportunity sent to His Grace the Duke of Newcastle to lay before H.M.; the master is gone to England, to sollicite this matter. P.S. I also transmit a short act *for chuseing* vestrymen for St. Paul's parish, they having lapsed their time. *Signed,* Londonderry. *Endorsed,* Recd. 7th, Read 12th June, 1729. 3 *large pp.* [*C.O.* 152, 17. *ff.* 69–70*v.*; *and* (*extract*) 7, 1. *No.* 32].

April 6. Antigua. **655.** *Same* to the Duke of Newcastle. *Begins with duplicate of Jan.* 30. *Continues:*—Since my arrival to this island I have the pleasure to acquaint your Grace that the conspiracy of the negroes from its happy and early discovery had produced no ill effects, otherwise than in the punishment of some of the unhappy wretches who were concerned in it, who in general considering the nature of the offence have been treated with much temper and moderation. Five of them were found guilty, three of which were burnt alive, and one hang'd drawn and quarter'd and the other transported to the Spanish coast with nine more against whom the evidence was thought not to amount to a strict legall condemnation therefore an Act has pass'd for their banishment to the Spanish coast their being no power otherwise to do it; 'Tis without doubt many more were concerned but things being perfectly quiet it has been judg'd proper to cease further examinations upon account of the great expence it would have occasioned to the country. An Act for the banishment of these negroes, another to supply the annual charges of this island, and also one to tax transient Factors, with a suspending clause therein, I have transmitted to the Lords of Trade and have writ fully to their Lordps. relateing to them *etc. Encloses following* petition. *Continues:*—I must own the Spanish guarda da costas treat H.M. subjects in these parts as if we were in actuall hostillity with Spain, of which your Grace will perceive this is a very flagrant instance because to take a ship in the latitude of 28 and 30 can be founded upon no other motive or pretence whatsoever. The Deputy Naval Officer dying and there being no person appointed by the Principal to supply his place I have pursuant to H.M. Instructions appointed Mr. Andrew Lesly to execute that office, untill such time as the Principall shall properly depute some other person. *Signed,* Londonderry. *Endorsed,* Rd. June 9. $2\frac{3}{4}$ *pp.* *Enclosed,*

655 i. Petition of William Wilson to Governor Lord Londonderry. Describes capture of the *Pheasant* laden with negroes, sugar and rum for S. Carolina, *ut supra* April 5th, and prays for compensation *etc.* *Signed,* Will. Wilson. 1 *p.* [*C.O.* 152, 43. *ff.* 35–36*v.*, 39].

April $\frac{7}{18}$. Geneve. **656.** John Savoy to the Duke of Newcastle. Having bin acquainted that Mr. Wyat has delivered on my behalf the presents I was intrusted with by the head men of the Chorakees of South Carolina *etc.* *Explains* that he cannot attend personally for fear of being arrested for debt. *Is anxious* to return to Carolina to carry on trade with the Indians and so serve his country and begs for his Grace's protection to that end. *Signed*, John Savoy. *Endorsed*, R. 17th. *Addressed.* 2 *pp.* [*C.O.* 5, 383. *No.* 37.]

April 7.
Barbadoes.

657. Governor Worsley to the Council of Trade and Plantations. I have received the honour of your Lordships' letter of the 23d of October last, with your Lordps'. opinion in relation to the draft of the Excise Bill *etc.*, and an Order of King in Council in relation to it, which I shall lay before the Council and Assembly here. *Encloses* Treasurer's accounts Feb. 1727—7th Nov. 1728. They contain the Excise accot., the 2/6 levy and the 7½d. levy, this last was raised for two years only, for the building a magazine and town house. *Encloses* the state of the publick debts to 19th Jan. last, in which are included several orders for money for which there is no fund. By these accounts your Lordships will see the summs of money orders have been issued for by me, with the advice and consent of the Council, from whence your Lordps. will be better able to judge what reason the Assembly had to complain of my conduct on this head. *Encloses* accounts of the powder and stores in the Magazine and Forts *etc.*, taken by a Committee of the Council I appointed the 12th Nov. last, by which your Lordps. will see the quantity of powder there was then in the island, and what little reason there was for any complaint from the Assembly against me upon that head. In December last when I had the honour of transmitting to your Lordps. the Excise Bill for H.M. confirmation, I forgot to observe that the Assembly could have no pretence for leaving out the use for the repairing of the fortifications, in that there was, nor could be any abuse in the issuing orders by the Governor and Council for that service: By an Act of this Island, *for the better establishment of the several fortifications etc.*, the gentlemen of the Assembly and all the Field officers, are appointed Commissioners in their several districts, which are five, into which the whole island is divided; and these Commissioners have the direction of the repairs of the fortifications, have full power and authority to appoint the supervisors and their sallaries, and "to do all and every other thing *etc.* necessary for carrying on the said work *etc.*, and the sallaries to the said supervisors as also the value of labourers *etc.* shall be certified by the said Commissioners *etc.* to the Governor and Council *etc.*, who are hereby desired, upon such certificate, to issue their orders to the Treasurer, who is hereby empowered and required to pay all such orders" *etc.* *Continues*:—If in the same Excise bill they left out the use for the payment of the storekeeper's disburse-

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ments for 1705, 1706, 1707 because they thought he had rated some things too dear (tho' in the Excise bills for those years there were uses for the payment of them) how comes the present storekeeper (one of their own choice) to bring in a bill of disbursements much larger, and in several articles dearer than in any of Collo. Leslie's bills, as will appear by the copy of it, which I have herewith sent your Lordships. Whereas it appears by the state of the debts of this island, there are several orders granted for sums of money, for the payment of which there is by this year's Excise bill no fund, I have sent your Lordships an account of them in a separate sheet. 'Til Mr. Cox's time no order for the £1169 18*s.* 9*d.* could ever be obtained from the Governors and Councils ; so that if this order should not be paid, the debts of this Island, the 19th Jan. last, would not have been more than £3828 3*s.* 4½*d.*, which will be paid off this year. Collo. Francis Bond, one of the Members of H.M. Council here, is dead, and Mr. Lightfoot, another of the Members of Council, is clandestinely gone off this Island with betwixt thirty and forty negroes, and as it is supposed, for Virginia ; he was very much in debt, owing several thousands of pounds more than he was worth. I beg leave to recommend to your Lordships Collo. Leslie to be of the Council here, the Minutes of this year's Assembly will shew how he has behaved himself ; at the beginning of the Sessions he opposed the draught of the Excise bill, the 25th of July last, they voted him out of the Assembly, as not duly elected, and afterwards, the same day, passed that bill ; he is a gentleman perfectly well attached to the Government. P.S.—I have inclosed *etc.* Minutes of Council, 17th Dec. last to Feb. 19th following. *Signed,* Henry Worsley. *Endorsed,* Recd. 29th May, Read 3rd June, 1729. 7 *pp.* *Enclosed,*

657. i. List of orders passed by the Governor and Council for which there is at present no fund, 1714–1728. *Endorsed,* Recd. 29th May, 1729. 1 *double p.*

657. ii. Account of money (£375 4*s.* 6*d.*) due to Col. Durousseau Storekeeper for disbursements. Nov. 6, 1728. *Signed,* Samuel Durousseau. *Endorsed as preceding. Copy.* 1 *p.*

657. iii. Report of Committee of Council to Governor Worsley. Have examined stores in magazine and forts and enclose following. *Signed,* Ralph Weekes, Othniel Haggatt, Jno. Frere, Josp. Pilgrim. *Same endorsement. Copy.* 1 *p.*

657. iv–v. Accounts of stores of war, powder, *etc.*, in Oistin's Fort, St. Anne's Castle and Needham's Fort, Dec. 24, 1728. *Same endorsement. Copies.* 4½ *pp.*

657. vi. Treasurer's account of the state of the Publick debts of Barbados. 19th Jan., 1728. Total Payments due and orders in course of payment, £8012 2*s.*

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10½*d.* Receipts from Excise and 7½*d.* levy, £3014 0*s.* 8¾*d.* *Signed,* George Plaxton, Treasr. *Same endorsement.* 12 *large pp.*

657. vii. Treasurer's account of the 7½*d.* levy for the year ending Oct. 31, 1726. By parishes. *Total,* £2871 3*s.* 4½*d.* *Signed and sworn to* by George Plaxton, Trear., Jan. 6, 1729. *Same endorsement.* 1 *large double p.*

657. viii. *Same* for 1727. *Total,* £2834 6*s.* 6*d.* £1000 paid to the Commissioners' order to Thomas Feild's Attorneys. *Same signature and endorsement.* 1 *large double p.*

657. ix. Treasurer's accounts, 8th Feb., 1726—Aug. 8th, 1727, settled by the Committee of Publick Accounts. *Totals, Receipts* (including balance brought forward of £4805 15*s.* 3*d.*) £5887 18*s.* 3*d.* *Expenditure:* £3017 13*s.* 6*d.* *Signed and endorsed as preceding.* 3 *large pp.*

657. x. Treasurer's account of the 2*s.* 6*d.* levy for the year ending 30th Sept., 1727. *Totals:—Receipts* £11097 6*s.* 0½*d.* *Expenditure,* £11062 10*s.* 6½*d.* *Signed and endorsed as preceding.* 5¾ *pp.*

657. xi. Treasurer's accounts from 8th Aug., 1727, to the 8th Feb., 1728. Settled by the Committee. *Totals:—Receipts,* £6034 13*s.* 2½*d.* *Expenditure,* £3399 19*s.* 4¾*d.* *Signed and endorsed as preceding.* 4 *large pp.*

657. xii. Treasurer's accounts, 8th Feb.—8th Aug., 1728. *Totals: Receipts,* including balance, £7162 7*s.* 10½*d.* *Expenditure,* £3395 15*s.* 0½*d.* *Same endorsement and signature.* 6 *large pp.*

657. xiii. Treasurer's account of the 2*s.* 6*d.* levy for year ending 30th Sept., 1729. *Totals:—Receipts,* £11,174 6*s.* 6½*d.* *Expenditure,* £11,134 13*s.* 3½*d.* *Same signature and endorsement.* 6 *large pp.*

657. xiv. Treasurer's accounts, settled by the Committee, 13th Aug.—27th Nov., 1728. *Totals: Receipts,* £4033 7*s.* 10*d.* *Expenditure,* £3366 14*s.* 4½*d.* *Shows* 10 ships importing 1011 negroes. *Same signature and endorsement.* 8 *large pp.* [*C.O.* 28, 20. *ff.* 137–142, 143*v.*, 145, 146*v.*, 147, 148, 148*v.*, 149*v.*, 151–156*v.*, 157*v.*, 158*v.*–161*v.*, 162*v.*–164, 165*v.*–167A., 168*v.*–170, 171*v.*–173A., 174*v.*, 176A., 177*v.*–179BV.; *and* (*duplicates of encl.* i) 28, 40. *Nos.* 1, 2.]

April 7.
Barbadoes.

658. Governor Worsley to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis.* *Signed,* Henry Worsley. 7 *pp.* *Enclosed,*

658. i–iv. Duplicates of encl. ii–v *supra.* (*C.O.* 28, 45. *ff.* 20–23, 24, 25*v.*, 26–28.]

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April 8.
Whitehall.
659. Duke of Newcastle to the Duke of Argyll. Having laid before the King the inclosed account of the ordnance and stores in *Jamaica* (*v.* 15th Jan.); H.M. being disposed to supply them with what they want, has commanded me to send the account to your Grace that you may be pleased to consider of it, and to direct the officers of the Ordnance to prepare the proper warrants for that purpose, if you have no objection to it, that I may lay them before H.M. *Signed,* Holles Newcastle. *Copy.* ¾ *p.* [*C.O.* 137, 47. *No.* 7].

April 10. **660.** Capt. Woodes Rogers to the Duke of Newcastle. *Encloses* letter from the Secretary at War, " wherein H.M. on the petition of several merchants trading to the Caribbee Islands, hath revoked the order for sending two companys of the late Col. Lucas' Regiment thence to the Bahama Islands, but that H.M. is not against the removing one of the companys at New York thither, if the merchants do not oppose it, and if it is consistent with the security of that country " *etc.* *Fears this will cause delay. Continues :*—Having prepared everything else for my departure with two ships who touch at Corke, to take in provisions, if H.M. would be pleased to order me a company or reinforcement from thence, they cou'd be carried over in the same ships, at half ye expence, and prevent yee losse of time it must occasion, should others be hired for them on purpose, after I am gone. *Begs that* a reinforcement in some manner may be ordered, without which " by the thinnesse of the inhabitants and smalnesse of the garrison the Bahama Islands in case of any rupture with Spain will be in danger, and in a peace insulted by the pirates, and also by the Spaniards from Cuba, as they always have been, to the discouragemnt. of new inhabitants coming thither." *Begs that* his salary as Governor may be fixed here before he goes *etc.* *Signed,* Woodes Rogers. *Endorsed* (in pencil). Take care to [?] the troops, *etc.* 1¾ *pp.* *Enclosed,*

660. i. Mr. Arnold to Capt. Rogers. Whitehall, 5th April, 1729. *Quoted in preceding.* *Copy.* 1 *p.* [*C.O.* 23, 12. *Nos.* 98, 99].

April 11. **661.** Petition of William Mayle, of Brightelmstone, master of the *Richard and William*, brigantine, to the Council of Trade and Plantations. Petitioner built said brigantine at Newhaven and took a freight of coals *etc.* for Philadelphia and carried a Mediterranean pass and other legal cocquets with him, but being ignorant in the trade to America omitted taking a register. At Philadelphia 15th Aug. 1728, John Moore, Collector, seized the brigantine, but on petitioner's producing the pass *etc.*, he was cast. The Collector notwithstanding will not admit the ship to an entry, although offered sufficient security for the ship

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and to produce a register in 18 months, but keeps two men on board her at 15*s*. per diem, *etc*. *Prays for relief*. *Endorsed*, Recd. 11th, Read 16th April, 1729. $\frac{3}{4}$ *p*. *Enclosed*,

661. i. Commissioners of H.M. Customs to the Collector and Comptroller of Customs at Philadelphia. Custom House, London, 11th Feb., $172\frac{8}{9}$. Enclose affidavit that the *Richard and William* was built at Newhaven and wholly owned by Brittish subjects. She cleared from Portsmouth to take in provisions for Gibraltar and was therefore not liable to give any plantation bonds *etc*. *Four signatures*. 1 *p*. [*C.O.* 5, 1267. *ff*. 35, 36, 37*v*.].

April 11. Clarges Street. **662.** Col. Dunbar to Mr. Popple. *Hopes for* amended act, "which is now going through its forms." Encloses letters from his Deputies, which show how much it is needed. The report by the Board is again referred to a Committee of the Council, *etc*. Begs for instruction about white oak, and for a small sloop for Nova Scotia, *etc*. and allowances for his deputies, whose letters he encloses (*v*. 21st April). *Signed*, David Dunbar. *Endorsed*, Read 11th, Read 22nd April, 1729. 2 *pp*. [*C.O.* 5, 870. *ff*. 209, 209*v*., 211*v*.].

April 15. New York. **663.** Governor Montgomerie to the Duke of Newcastle. *Repeats* request of April 2 and encloses copy of letter to the Council of Trade "of this date." *Concludes :* I beg your Grace will get the bills mentioned in it disallowed, for I assure you if it is not done, it will be impossible for me to cary on H.M. service successfully in New Jersey. *Set out*, N.Y. Col. Docs. V. p. 876. *Signed*, J. Montgomerie. *Endorsed*, R. June 16. *Holograph*. 2 *pp*. *Enclosed*,

663. i. *Same* to the Council of Trade and Plantations. *Duplicate of* April 20, 1729. [*C.O.* 5, 1093. *ff*. 14, 14*v*., 16–17 ; *and* (*without enclosure*) 5, 1086. *ff*. 11, 12*v*.].

April 15. St. Christophers. **664.** Governor Lord Londonderry to the Duke of Newcastle. I have the honour to acquaint your Grace that at St. Crus, an island not now settled, a great many of H.M. subjects (called woodcutters) go there to cut timber for shipping, windmills, *etc*., and that I lately gave Collo. Woodrup, a gentleman of this island, a Commission to command his Brittanique Majesty's subjects there, he informs me that a great many from the small adjacent Leeward Islands are desirous to come to settle there, provided they could have grants for land, but 'tis a step I would not venture to take without first receiveing your Grace's command's, for tho' tis within the limitts of my Government, I must acquaint your Grace that formerly 'twas settled by the French, and about forty years ago quitted by them in obedience to an edict of the late King of France, to strengthen their settlement at Hispaniola, for which reason the commission was worded in that manner, and caution given not to mount gun's, or to erect anything like a Fort *etc.* 'Tis a fine island about ten or twelve leagues long, and three or four broad, the land, when clear'd from wood, is generally thought to be very good for canes, and by drawing from the Virgin Islands the inhabitants together there, they then may be brought to be usefull, but now they subsist cheifly by plunder, and pyracy, and as this island lyes to leeward of all the French settlements, 'tis probable they will take no umbrage at it, especially as they are stealing gradually a settlement at Dominica, where I am inform'd are already near 300 familys. I shall keep things just as they are, untill I may have the honour of your Grace's commands, and in case any umbrage should be taken at it by the French, it will at least give a good occasion of mentioning their settleing Dominica *etc.* *Signed*, Londonderry. *Endorsed*, Recd. 2 June. Copy sent to Lord Townshend, June 3, 1729. *Holograph.* 3¾ *pp.* [*C.O.* 152, 43. *ff.* 41–42*v.*]

April 19. **665.** Order of Committee of Council. Referring back to the Board of Trade their report upon Col. Dunbar's proposal (19th March *etc.*), for a settlement on the east side of Kennebeck River, to report whether they have any objection, and whether it may be advisable for H.M. to put them under the Government of Nova Scotia or in regard to its great distance from Annapolis to appoint a particular Governor, with a draught of instructions for such Governor for granting of lands, and giving other encouragements for settling said familys *etc.*, Col. Dunbar having explained that these familys having cattle, stock, and materials to carry with them, they will not go so far as Annapolis to make their settlement *etc.* *Set out*, A.P.C. III. *pp.* 185, 186, *q. v.* *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 22nd April, 1729. 2 *pp.* [*C.O.* 217, 5. *ff.* 104, 105*v.*]

April 19.
Whitehall. **666.** Report of Committee of Privy Council. *Quote* Representation of the Board of Trade, 20th Dec. 1728, upon the Newfoundland Fishery. All proper remedies ought to be applied without loss of time. *Recommend* recall and trial of Lt. Governor Gledhill. The Commadore should always be authorized to have some cheque or comptrol upon the conduct of the Lieut. Governor. This would put an end to the competition between H.M. land and sea forces, and prevent the disorders at present charged upon the garrison, who would become accountable to an officer incapable of sharing in the profit arising from connivance at their irregular behaviour. Commadores have heretofore been appointed Governors of that Island and Commanders in Chief both of the land and sea forces, during their continuance there. *Propose* a Commission appoint-

ing Lord Vere Beauclerk and all future Commodores Captains General and Commanders in Chief *etc.*, requiring them strictly to pursue the directions of the Act of 10th and 11th Wm. III, by which a power is vested in the Commodores for hearing appeals on all disputes about the property of fishing rooms. And that the people who remain upon the Island may not live in a state of anarchy that a clause be inserted in said Commission empowering the Commodore to appoint Justices of the Peace, for whose guidance he should be provided with books containing the duty of a Justice to be distributed amongst them. The titles of the inhabitants who have forestalled the fishing stages should be enquired into, by which means they may probably be restored to the publick. To that end some person skilled in the laws should be appointed to assist the next Commodore, which person might likewise be of service in forming regulations for the better government of the inhabitants during the winter season. The Bishop of London, as Ordinary of the Plantations, should be directed to send a clergyman with Lord Vere, who is to endeavour to secure a reasonable maintenance from the people of St. Johns, *etc.* *Set out*, A.P.C. III. *pp.* 215–218, *q. v.* 6½ *pp.* [*C.O.* 194, 8. *ff.* 197–200.]

April 20. Barbados. **667.** Governor Worsley to the Council of Trade and Plantations. *Has communicated* H.M. Order in Council disapproving of draft of Excise bill to the Council and ordered it to be sent to the Assembly at their next sitting. *Continues* :—Mr. Peers, the Speaker, having received lately Mr. Reeves and Mr. Lutchwich's oppinions in relation to the determination of the Act *etc. for the support of the honor and dignity of the Government* with 16 other Members of the Assembly met (tho' the Assembly was then adjourned) and agreed to send to the absent Members a copy of those opinions, which the Speaker accompanyed with a letter (*copies enclosed*). I am very much surprised to find that neither of these opinions take any notice of H.M. proclamation " for declaring H.M. pleasure for continuing the officers in H.M. Plantations till H.M. pleasure shall be further signifyed," which proclamation I published here 21st Nov., 1727, nineteen days before the expiration of six months after the death of his late Majesty. Certainly it was never disputed till now, that officers in the Plantations could not be there continued in their respective offices by the King's Proclamation ; upon the death of King Charles 2 ; upon the accession of King William to the Throne, as also upon Queen Ann's, proclamations in the same manner were published in the Colonys and Plantations, and the Governments in this part of the world subsisted for some time in all these instances upon no other foundation ; nay this very Assembly was chosen under this Proclamation and passed the Excise bill now in force, and other laws, and do even now sitt by virtue of writts issued out by me before the arrival of my new Commission ; and all the Judges, Patent and other officers, have acted upon the same foot. However very many in this island now dispute the paying the 2*s.* 6*d.* levy, tho' they paid it last year, in that, they say, I ceased being H.M. Governor for some time, and therefore according to their oppinions the Act is determined, and many of the Members of the Assembly have refused taking a list of the negro heads (on whom the tax is laid) or of making their returns as by the law they are oblidged ; and as St. Michaels Town is to raise £2200, for their houses, trades and personal estates, thirteen of the Vestry (which consists of 17 persons) have refused to lay it ; the time subscribed by the law being between the 25th of March and 12th of April ; tho' the 5th instant I published H.M. 28th Instruction to me, by which I am empower'd to receive the additional salary, yet 'tis objected that H.M. by his Instruction can't revive this law which they think is determined. The Minister of the parish and the three other Gentlemen of the Vestry, who were for laying the apportionment according to law took H.M. Attorny General of this Island his opinion (*enclosed*). I wish it had been less dubious, for I cannot think after H.M. had so solemnly declared the validity of the law by my 28th Instruction, that there can be any room to dispute it. Many seem still to persist not to pay the tax, whence great confusion must arrise ; Mr. Haggatt a Member of H.M. Council is one of the Vestry in this parish, and has refused with the others to lay the appointment. Your Lordships will see by the Treasurer's accounts, that the monys arrising from this tax, is not solely for my use, for above £3300 is applyed for other services, for the support of the Government ; by the law, the Treasurer of this island is allowed to the first of Oct. next to collect the tax, and afterwards he is responsible for what is not collected ; as perhaps many, as well as the Vestry of St. Michaels will dispute the Act's being still in force I should be glad of the honor of H.M. commands for my conduct in an affair wch. will occasion so much confusion in this Government, if H.M. commands dos not reach this island before 1st Oct. In the mean time I shall use my utmost endeavours not to give the least handle to the Assembly or the people here, to complain of my conduct in an affair of so nice a nature where every particular person is concerned. *Signed,* Henry Worsley. *Endorsed,* Recd. 17th, Read 18th June, 1729. 6 *pp.* *Enclosed,*

667. i. Returns made by the Provost Marshall on his publishing H.M. Proclamation continuing officers, and H.M. 28th Instruction (*v. preceding*). *Signed,* Wm. Kennedy, P.M. *Endorsed,* Recd. 17th June. *Copy, certified by* Wm. Webster Depty. Sec. 1 *p.*

667. ii. (a) Mr. Reeve's opinion on the determination of the Act *for the supporting the honor and dignity of the Government.* Thinks that, the Act being to continue

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no longer than Mr. Worsley shall continue Governor, it is determined if he once ceased to be Governor even tho' he afterwards had a new Commission, and thinks it doubtfull even if Mr. Worsley was granted a new Commission within six months after the demise of the Crown it was a continuance of him as Governor *etc. Signed,* Thomas Reeve. (b) Mr. Lutwyche's opinion. Is doubtful, but thinks he may be entitled to the salary so long as he continues Governor without intermission *etc. Signed,* Tho. Lutwyche. *The whole,* 1 *p.*

667. iii. Henry Peers to Michael Cornor. April 2, 1729. Encloses *preceding* opinions, for which "the majority of our brethren in the Assembly" sent home, on account of the "opinion they had formed of the law for the support of the Government giving H.E. an addition of £6000 pr. annum sterl. to his sallary of £2000 sterl., and the low circumstances our fellow subjects were reduced to by that heavy tax" *etc. Signed,* Hen. Peers. *Endorsed,* Recd. 17th, Read 18th June, 1729. 1 *p.*

667. iv. Opinion of Attorney General of Barbados on above point. Since in legal understanding the King never dies, the words of the Act seem not to confine the provision for the Governor for the then reign only *etc. April* 10, 1729. *Signed,* J. Blenman. *Endorsed as preceding. Copy.* 2½ *pp.* [*C.O.* 28, 20. *ff.* 186–188*v.*, 189*v.*, 190, 191*v.*, 192, 193–195*v.*].

April 20. Barbados. **668.** Governor Worsley to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis. Signed,* Henry Worsley. *Endorsed,* Rd. June 18. 6 *pp. Enclosed,*

668. i.–iv. Duplicates of *Nos.* 667 i.–iv.

668. v.–vii. Duplicates of *Nos.* 657 ii.–v. [*C.O.* 28, 45. *ff.* 30–32*v.*, 33*v.*, 34–35, 36, 36*v.*, 38, 40, 42*v.*, 43, 44, 45–46].

April 20. New York. **669.** Governor Montgomerie to the Council of Trade and Plantations. *Abstract. Encloses* duplicate of letter of Nov. 30. On Dec. 12th he met the Assembly of New Jersey, which had been called by Governor Burnet in Nov. 1727. He soon had occasion to regret that, to ease the Province of the expence of a new election, he had not dissolved it and called a new one. For the Quakers, forming more than half the House, were so elated with the Act passed in their favour the former session, that they were quite ungovernable, having their heads filled with wild unpracticable schemes, calculated to weaken or set aside H.M. prerogative, and to bring the Government to be entirely depending upon themselves. After consenting to

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settle the revenue for five years as a bait to him, they made the resolutions to be found in their Minutes. When he found no Address to the King was offered, the Council unanimously advised him to dissolve them. Has said enough to convince the Board that the Quakers do not deserve H.M. assent to the Act passed in their favour and the Triennial Act. All accounts, from New Jersey, ever since the government was surrendered to the Crown, show that the Quakers there, have been very insolent and troublesome when they had no favour to ask, but quiet and useful to the Government, when they had anything depending. The Acts allowing their affirmation and declaration were always formerly limited to five years, but that in 1725 was extended to nine, whereof there are yet five to run, in case the Act of 1727 is disallowed, in which the form of their affirmation and declaration is quite different from that in England, or any other of H.M. Dominions except Pensylvania. As to the Triennial Act, elections are a great expence to the Province, and former Governours have found it the work of several years to to get an Assembly that had no other views, but carrying on the Soveraign's service, and advancing the true interest of the Province. New York will insist upon a similar Act, if this is not rejected. In obedience to letter of 20th Nov., he will move the next Assembly to repeal the appropriating clause in the paper money Act *etc.* *Printed,* N. J. Archives, 1st Ser. V. 234. *Signed,* J. Montgomerie. *Endorsed,* Recd. 16th June, Read 1st July, 1729. *Holograph.* 5 *pp.* [*C.O.* 5, 972. *ff.* 186–188*v.*; *abstract,* 185*v.*]

April 21. Whitehall. **670.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following received from Col. Dunbar for their report. *Signed,* Holles Newcastle. *Endorsed,* Recd., Read 22nd April, 1729. $\frac{3}{4}$ *p.* *Enclosed,*

670. i. Thomas Haley to David Dunbar. Boston. 6th March, 1729. *Reports* Jeremy Dunbar's proceedings in N. Hampshire, who, in spite of severe weather has marked 580 fine trees there and as many in Maine, and is intending to seize 50 trees of wh. he has heard. Mr. Dunbar complains of difficulty and expense of travelling to Casco Bay *etc.* The Agent for the Contractor for the Navy has two shiploads of masts ready, as fine as ever were seen. Mr. Dunbar has been at great pains to prevent loggers from cutting the white pine trees, but laments the want of power to prevent the destruction of white oak, with which the country abounds and is esteemed not inferior to any in Old England, yet from sense of the consequence has taken upon him to deter the people from cutting any more, as coming within their instructions under the denomination of Naval Stores. They have seized in

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the Province of Maine near 400 trees, many of which lie cut into four or five lengths called logs, which wd. have made fine masts. They have information of as many more *etc.* The havoc is beyond imagination that has been made in the woods before they came, but hopes the steps they have taken will produce the desired effect.

"You cannot but believe, we have many enemies, but they are generally amongst that set who hold our authority in contempt, as they would the sacred Majesty from whom it is derived, among whom none are more active than one Plaisted, and the famous Dr. Cook *etc.* However your brother has proceeded in his duty without regard to those incendiarys, and only waits a fit opportunity to seize their logs at their own mills and bring them to tryall. You will observe by the enclosed H.E.'s goodness to explain his sense of our extended authority in the Province of Maine *etc.* Of the 200 trees condemned, 20 were found fit for masts; the rest were put up for sale, but there did not appear one bidder *etc.*, so the expense of prosecution will fall very heavy on us." *Signed,* Thos. Haley. *Copy.* 2½ *pp.*

670. ii. Arthur Slade to David Dunbar. Portsmouth. 28th Feb., 1729. The woods in New Hampshire are quite destroyed owing to bribery and neglect of former Surveyors. There is but one vein left, of about 3,000 trees, fit for masts, which he and Mr. Dunbar will endeavour to preserve. They are perpetually in the woods, but every day find more damage done. The people have now turned their fury upon the Province of Maine. Mr. Dunbar and himself saw upwards of 5,000 logs there, a great many of wh. wd. have made masts for H.M. ships. Some they seized, but deferred the marking of the rest with the broad arrow for H.M. use till the cutters had brought them down to the mills. Have offered rewards for discovery of offenders, but without effect, "the people in the Province of Maine seeming resolved to destroy H.M. right in the woods, they dare any persons that shall oppose them. Gov. Burnet and Lt. Gov. Wentworth have done all in their power to assist us *etc.*, but the act needs to be amended." Intend to go to Nova Scotia, but a small sloop will be needed to survey the woods *etc.* *Signed,* Arthur Slade. 2¼ *pp.* [*C.O.* 5, 870. *ff.* 204, 205–207*v.*]

April 22. London. **671.** Thomas Beake, Agent for St. Christophers, to the Council of Trade and Plantations. *Prays for* report upon

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several Acts of St. Christophers which have been reported upon by H.M. Counsel learned in the law *etc.* *Signed*, Tho. Beake. *Endorsed*, Recd., Read 22nd April, 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 49, 50*v.*].

April 22. Whitehall. **672.** Council of Trade and Plantations to Lt. Gov. Gordon. You will perceive by the inclos'd memorial from Mr. Mayle (*v. No.* 661.) and a copy of a letter from the Commissioners of H.M. Customs, the state of his case, and that his misfortune proceeds from his not having been inform'd of the necessity of registring his vessel here, before he left this Kingdom; and as this omission does not appear to us to have been done with any design of fraud, we recommend him to you, to do what you legally may in his favour. [*C.O.* 5, 1294. *p.* 2].

April 22. St. James's. **673.** H.M. Warrant to John Rollos, engraver, for engraving a Seal in silver "for Our Province of Nova Scotia in America, representing on one side the countrey of Nova Scotia, and a British merchant trading with an Indian for furs, and also a fishing vessel, boat and nett, with this inscription round it, Sigillum Provinciæ Nostræ Novæ Scotiæ in America," and in the exergue this motto, Terræ Marisque Opes; and on the other side Our royal arms, garter, supporters and motto, with this inscription round it, Georgius Secundus, Dei Gratiâ, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, Fidei Defensor, Brunsvici et Luneburgi Dux, sacri Romani Imperii Archi–Thesaurius et Elector." *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 110, 111].

April 25. St. Christophers. **674.** Governor the Earl of Londonderry to the Council of Trade and Plantations. I do myself the honour to transmit to your Lordships the several acts I have passed at Mountserrat, which I hope will meet with your approbation. The first I pass'd is an Act, settling on me £600 pr. annum, payable to me in the species of gold and silver, during my stay in my Government, issuing from a tax on house rent in the town of Plymouth, and upon all windmills, water-mills and cattle-mills in that Island, and by the appropriation of an ancient tax on wines and other liquors, and licences for sale thereof, payable by a perpetual act of that island. As this settlement on me is made so strictly conformable to H.M. Instructions, I will not mis-employ your Lordships' time with any arguments to induce your Lordships to report to H.M. in favour of it, because I flatter myself it will be done of course, and I shall be very much obliged to your Lordships, if you'l be pleased to give it dispatch. I found the island of Mountserrat almost destitute of any regular forms and methods for the due administring of justice, not having any act for holding Courts of King's Bench and Common Pleas for the recovery of debts, nor any docket of

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fees fixed for the officers to take, so that the people laboured under these greivances, which I thought myself obliged immediately to redress, for this purpose I pass'd the inclosed act for establishing a Court of King's Bench and Common Pleas, and a Court of Errors, and for imposing certain fines on the Officers who shou'd take other fees than those settled by dockett, by and with the advice of the Council. The Act is long, and therefore I referr your Lordships to it, and beleive when your Lordships have perused it, you will be of an opinion, that it will greatly conduce to the welfare of the people of Mountserrat, as well as to such of the British subjects, who trade or have concerns wth. that Island. The other Acts are, vizt., one to enable labourers or artificers to recover their debts, not exceeding six pounds, in a summary way, before Justices of the Peace to save them the trouble and expence of a lawsuit, and the other is an act of settlement and limitations for avoiding suits at law which the preamble sets forth how requisite it is for that island to have, most of the inhabitants whereof having been plundered of their deeds and writings, when they were invaded by the French under the command of Monsr. Cassart *etc.* Will soon send Minutes of Councils and Assemblies to 1st Jan. last. *Signed,* Londonderry. *Endorsed,* Recd. 18th, Read 20th June, 1729. 1¾ *pp.* [*C.O.* 152, 17. *ff.* 71, 71*v.*, 72*v.*].

April 25. **675.** Memorandum of duties upon naval stores *etc.* *Endorsed,* Recd. (from Mr. Oxenford), Read 25th April, 1729. ½ *p.* [*C.O.* 323, 9. *ff.* 7, 10*v.*].

April 29. **676.** Capt. Woodes Rogers to Mr. Delafaye. Requests that H.M. pleasure, that the garrison at Bermuda may be moved to the Bahamas, may be signified to the Secretary at War, so that the ship in which he is about to sail may take them on board. *Signed,* Woodes Rogers. 2 *pp.* [*C.O.* 23, 14. *ff.* 109, 109*v.*].

April 30.
Bermuda.

677. Lt. Governor Pitt to the Council of Trade and Plantations. Since the alterations I found so necessary to make (*v. C.S.P.*, Nov. 11, 1728), this island is in great tranquility with the same but poverty so universally abounds that the common levies for the necessary support of the Government cannot be raised, chiefly occasioned by the daily seizures that the Spaniards make on the trading vessels of this country, particularly two were taken in January last by those rovers who have commissions as privateers, one of which vessels was 90 tuns with 9 port holes on each side which they boasted would be fitted out and manned for a privateer; our vessells that are well built and of any bulk are no sooner taken but armed and fitted out agst. us, and our smaller craft burnt before our faces (as one of these last taken was) ruining both owners and freighters, *etc.* I am inform'd

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these rovers have lately cut out and carried away severall vessells (and amongst them one of our sloops) riding at an anchor in Nevis road and carried them to St. Domingo (a never-failing port of condemnation). This my Lords being an oppression so destructive to the small trade of this island, and likely to be continued by those abandon'd rovers, obliges me to recomend to your Lordships' consideration the state of this poor Colony, upon the welfare whereof depends the safeguard and protection of Great Britain's West India trade and great part of that of the main Continent of America. I have enclosed severall copies of the proceedings of the Council and Assembly as also copies of all the Acts passed before my arrival here, which had not been before transmitted *etc., enumerated. Continues:* Altho' the Assembly have been lately sitting, they have done nothing material, or I should have laid it before your Lordships; The Castle and forts are very near repaired and had been finished had not the supplys been very difficult to collect, by the extream want and poverty of the people; there is also a supply of guns and ammunition absolutely necessary in place of the defective ones and to furnish the magazine which is almost empty. I found here upon viewing the forts three very fine brass guns, one a 24 pounder 9 foot 10 inches long, one a 16 pounder 9 ft. and 2 in. and one 6 ft. and 2 in. long, taken out of the Spanish Flottilla that was lost on these rocks an hundred years agone, two of which I have ship't by this opportunity (with the consent of the Council here) to be delivered for H.M. use at the Tower, and which I hope will be acceptable. The great necessity this Island is in of a new supply of ammunition and stores for the fortifications obliges me once more to recomend it to yor. Lordships' consideration *etc. Signed,* John Pitt. *Endorsed,* Recd. 23rd June, Read 15th July, 1729. 2 *pp.* [*C.O.* 37, 12. *ff.* 35, 35*v.*, 38*v.*]

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Bermuda.

678. Lt. Governor Pitt to Mr, Delafaye. The friendly regard you were pleased to have to H.M. honouring me with this Government, emboldens me to rely on your goodness in promoting the interest thereof, and as I am necessarily obliged to represent to his Grace the Duke of Newcastle and to the Lords of Trade and Plantations the many hardships the inhabitants labour under beg you'l omit no opportunity of putting his Grace in mind of some methods of releif *etc. Continues as preceding. Hopes* the Duke of Newcastle and Council of Trade will take into their consideration the calamities that the inhabitants groan under, " by meeting wth. misfortunes so destructive to their small commerce without which we cannot by any means be supported, and in regard that the safeguard and protection of Great Britain's West India trade as well as great part of that of the American Continent, depends upon the wellfare of this Colony, I doubt not but that His Grace

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(together with their Lordships) will think of some measures to suppress the violence of these abandon'd rovers (or rather pirates) and which I hope you'l be so good as to remind his Grace of as often as you have an opportunity." *Concludes as preceding. Signed,* John Pitt. *Endorsed,* Recd. June 20th. 2⅓ *pp.* [*C.O.* 37, 29. *No.* 3.]

April 30.
Bermuda.

679. *Same* to the Duke of Newcastle. *To same* effect as letter to Council of Trade. *Signed,* John Pitt. *Endorsed,* Recd. 29th June. Copy sent to Lord Townshend. *Holograph.* 1½ *pp.* [*C.O.* 37, 29. *No.* 4.]

April 30.
Whitehall.

680. Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their reports of March 4th and 25th upon acts of Antigua and Nevis, together with enclosed petition. After hearing the merchants thereupon by their Counsell, they are to make their further report thereon, and state what the severall sums given by the said acts to Lord Londonderry will amount to annually in sterling money. *Signed,* Ja. Vernon. *Endorsed,* Recd. 3rd, Read 21st May, 1729. 2 *pp. Enclosed,*

680. i. Copy of *No.* 616.

680. ii. Copy of *No.* 636.

680. iii. Petition of merchants of London on behalf of themselves and others trading to Nevis and Antigua to the Lords of the Committee of H.M. Privy Council. Petitioners apprehend that the sums given to the Governor in addition to his salary, *by the Acts of Nevis and Antigua, referred to 4th and 25th March,* are to arise chiefly from dutys lay'd on the shipping, navigation and trade of Great Britain, contrary to H.M. Instructions to his Governor and express orders and determinations made by H.M. royall predecessors in Councill, as it lays a duty on the British merchants to support the expences of the Governor, and is prejudiciall to the Trade and Navigation of Great Britain, all attempts of which kind have been constantly discountenanced and discouraged *etc.* The dutys laid by the same acts, and the methods of collecting the same are unreasonable in themselves and greatly prejudicial to petitioners and the trade to Antigua and Nevis, highly injurious to the interest of the said islands, and in the consequences of them, destructive, not only to the trade of these islands, but to the trade and navigation of these Kingdoms. Pray to be heard by their Counsell before their Lordships report thereon *etc. Signed,* R. Harris *and* 20 *others.* 2¾ *pp.* [*C.O.* 152, 17. *ff.* 55–59, 62*v.*]

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April 30.
Whitehall.

681. Order of Committee of Privy Council. As the Commission (*v.* 19th April) proposed to be given to the Lord Vere Beauclerk would vacate his seat in Parliament, *refer back* to the Council of Trade and Plantations their report. They are to consider whether the said Commission may not be equally carried on by Instructions to him for putting in execution all the powers given to Commadores by the Act of 10 and 11 Wm. III, and a Commission to a person skilled in the laws, to accompany him, for appointing Justices of the Peace and establishing some form of a civil Government among the people who have settled themselves in that Island, that they may not be left in a state of anarchy upon the departure of H.M. ships of war. The Board to consider the proper forms of such Commission and Instructions, and likewise whether it will not be advisable to seperate the Government of Placentia from that of Nova Scotia, and whether the continuing a garrison of one single company can be necessary for securing possession of Newfoundland *etc.*; and, if so, whether it should not be made an Independant Company *etc. Set out, A.P.C. III. pp.* 219, 220. *q.v. Signed,* Ja. Vernon. *Endorsed,* Recd. 3rd, Read 6th May, 1729. 2 *pp.* [*C.O.* 194, 8. *ff.* 196, 196*v.*, 201*v.*].

April [ ].
Whitehall.

682. Draft of letter from the Duke of Newcastle to Governor Lord Londonderry. Has laid letters of 18th and 30th Sept. and Jan. 30th before H.M., " who very much approves your conduct in visiting the several islands, and particularly Antegoa, in order to make a strict enquiry into the conspiracy of the negroes " *etc. Defers* saying anything further upon that matter, until he receives a more distinct account. *Continues:*—The King having very much at heart the protection of the trade of his subjects, and finding it necessary for that purpose to make sufficient provision for the security of the Bahama Islands by an additional number of forces there, has thought fit that two companies of the Regiment now quarter'd in the Leeward Islands, should be transported from thence to New Providence, or some other of the Bahama Islands; and it is H.M. pleasure that your Lordship should accordingly detach the said two companys from the places where they can best be spared, of wch. your Lordp. is the most proper judge, and for the effecting this service you will receive the proper orders from the Secretary at War. The Acts of Nevis and St. Christophers for settling an additional salary on you are at present under the consideration of the Lords Commissioners of Trade *etc. He will use* his best endeavours to obtain H.M. approbation of them. *No signature.* 2½ *pp.* [*C.O.* 152, 43. *ff.* 45–46].

May 1.

683. Daniel Hintze to Mr. Popple. Encloses following to be laid before the Board. *Signed,* Daniel Hintze. *Endorsed,* Recd. 2nd, Read 6th May, 1729. ½ *p. Enclosed,*

683. i. Humble proposal of Daniel Hintze to the Council of Trade and Plantations. Proposes to procure from the Palatinate 3, 4 or 500 Protestant families, well skilled in cultivating lands, and handicraftmen, "who to avoid the persecution they now groan under will be willing to transport themselves at their own expence to any country having a fertile soil that H.M. shall be graciously pleased to appoint them between ye Rivers Kennebeck and St. Croix." For any other province less fertile can procure 100 families *etc.* at the public expense. Estimates expense of sending 100 Palatine families to America, each family averaging 4 persons at £4 per head, = £1600. For his own expense 20*s.* per day for 4 months for himself and each of two Palatines, who will help him in this affair, to bring the said families to the waterside in England *etc.* 1⅔ *pp.* [*C.O.* 5, 870. *ff.* 212, 213, 213*v.*, 215*v.*].

May 1.
St. Christophers.

684. Governor Lord Londonderry to the Duke of Newcastle. *Begins with duplicate of April* 15. *Continues*:—I am now to trouble your Grace with Mr. John Lyndesay, the late Governour of St. Eustatius's escapeing to this island, and with Mr. Everard Roecx, the present Governour's applying to me to have him secured if possible, and to deliver him up. St. Eustatius is a very small island under the Dutch, about three leagues to leeward of this, it is a place of some trade (tho' much dwindled) carried on by a company of merchants. The Governour's profitts proceed from the commission he draws from the sales of the negro's and goods consign'd to him by them, and 'tis said, and I beleive very truely, that Mr. Lindesay by giveing too great a credit to the French at Martinico has caused great losses to the Company, for which reason they sent out a new Governour with orders to secure the old one, and to call him to an account *etc.* They have seized all his effects *etc.* This Gentleman, whilst he was Governour, lived always very freindly with the inhabitants of this island *etc.* He had been confined an year or more, before he made his escape here, and at present as I think it would be very improper in me to either secure, or deliver up, without particular directions, for if I mistake not, 'tis what is seldom ask't, or at least seldome comply'd with in cases of debt, especially when persons of this island under the same circumstances (I mean debt) have always had protection given them there, so I shall wait your Grace's commands *etc.* *Signed*, Londonderry. *Endorsed*, Rd. June 16th. Copy sent to Lord Townshend, June 10th, 1729. *Holograph.* 4 *pp.* [*C.O.* 152, 43. *ff.* 43–44*v.*].

May 1.
St. Christophers.

685. *Same* to the Council of Trade and Plantations. *Encloses* 4 acts, which with 3 others transmitted some time since, are all that have passed since his arrival here. Their titles suffi-

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ciently explain them *etc.* They are calculated for many good and useful purposes, containing nothing of any unusual or extraordinary nature; but greatly tending to the general service of this island *etc.* *Hopes* shortly to hear of their having received the Royal assent. Is endeavouring as fast as he can to get the Minutes of the Councils and Assemblies to 1st Jan. *etc.* Concludes with case of Mr. Lindesay *as in preceding.* *Signed,* Londonderry. *Endorsed,* Recd. 18th, Read 20th June, 1729. 1¾ *pp.* [*C.O.* 152, 17. *ff.* 73, 73*v.*, 74*v.*]

May 2. Admty. Office. **686.** Mr. Burchett to Mr. Popple. *H.M.S. Oxford,* under the command of Lord Vere Beauclerk, and *Squirrel,* Capt. Osborn, design'd for Newfoundland, and the *Rose,* Capt. Weller, design'd for Canseaux, being in a readiness to sail thither, *asks for* Heads of Enquiry as usual. *Signed,* J. Burchett. *Endorsed,* Recd. 3rd, Read 6th May, 1729. *Addressed.* ¾ *p.* [*C.O.* 194, 8. *ff.* 194, 195*v.*]

May 2. Whitehall. **687.** Mr. Popple to Mr. Burchett. Requests that Lord Vere Beauclerk's answers to Heads of Enquiry may be transmitted to this Office *etc.* [*C.O.* 195, 7. *pp.* 175, 176.]

May 3. Boston. **688.** Mr. Willard to Mr. Popple. Sends Minutes of Council and of Assembly, for the last half year, and acts then passed. *Signed,* Josiah Millard. *Endorsed,* Recd. 17th June, Read 15th July, 1729. ¾ *p.* [*C.O.* 5, 870. *ff.* 255, 256*v.*]

May 3. **689.** Governor Hunter to the Council of Trade and Plantations. On the fifth of April I recd. H.M. commands by His Grace the Duke of Newcastle to put this island in a posture of defence against a Spanish invasion, sayd to be design'd on the north side, where we are weakest; the enclosed copies of the Minutes of Council and Council of Warr *etc.*, will let your Lordshipps into what has been done and what we are doing. Haveing provided for the defence of this side as well as I could in the time, made a disposition for the march of our force to the place of alarm, and left instructions with the Council for their conduct dureing my stay on the north side; I imbarke in the *Plymouth* to-morrow in the evening for Port Antonio and Edward's Fort, the rendezvous of our detachments, the greater part of which is already arrived there, and the rest on their march. I have done a great deal in a little time and a little more will put us in a better condition, *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 14th June, Read 1st July, 1729. 1½ *pp.* *Enclosed,*

689. i. Minutes of Council of Warr, St. Jago de la Vega, 7th, 8th, 29th April, 1729. *Endorsed,* Recd. 14th June, 1729. *Copy.* 8 *pp.*

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689. ii. Governor Hunter's Instructions to the Council, during his stay on the North side of the Island, 3rd May, 1729. *Endorsed as preceding. Copy.* 2¾ *pp.* [*C.O.* 137, 18. *ff.* 23, 23*v.*, 24*v.*–28*v.*, 29*v.*–31*v.*; *and* (*duplicate of encl. ii*) 137, 47. *No.* 8.]

May 3. Jamaica.

690. Governor Hunter to the Duke of Newcastle. *Repeats* part of preceding letter, *adding* :—I dispatcht an express to M. St. Lo who was then at our Bath about fifty miles from hence, but he was then in a very weak state. He order'd however two ships to cruize to the windward for advice, and after that two more, the one to carry some provisions for our men detach't to the North side, and then to look into St. Iago de Cuba, the other to cruize between Cape Maize and Cape Nicola. He dyed on the 22nd of April. I have perfected the Hannover line, our chief defence on this side, and I have mounted twenty-two thirty-six pounder guns upon it. I have rebuilt the Rock Fort, cut and made roads of communication between the places on this side, and have great numbers of slaves at work in clearing three several passages through the mountains for a communication between the two sides of the island. I have form'd the trusty slaves into small bodies to be commanded by some reform'd officers, and have order'd a thousand lances to be made for arming more, who cannot be provided with fire-arms, and have all hands at work making and mending carriages for guns. And having given orders to the Commissaries in the several towns to secure for the publick service all arms not in use, provisions and utensils for work, posted horsemen in all the several stages for the speedy dispatch of orders and advice, and left with the Council Instructions for their conduct during my stay on the North side, I embarke to-morrow *etc. as preceding. Signed,* Ro. Hunter. *Endorsed,* R. June 14. 2½ *pp. Enclosed,*

690. i.–ii. Duplicates of i, ii preceding.

690. iii. Minutes of Council of Jamaica, March 4—April 26, 1729. [*C.O.* 137, 53. *ff.* 142–159*v.*]

May 4. N. Providence.

691. Governor Phenney to the Duke of Newcastle. Encloses following etc. *Signed,* G. Phenney. *Endorsed,* R. 12th July. 1 *p. Enclosed,*

691. i, ii. List of ships entered and cleared at New Providence, 26th Dec., 1728—25th March, 1729. *Outwards* 10 (mostly fruit and turtles) for S. Carolina (4), Jamaica (5), Barbados (1); *Inwards* 14 (mostly with wine and European goods) from S. Carolina (5), Jamaica (4), Barbados (1), Antigua (2), Havana (1), Hispaniola (1). *Signed,* John Warner, Naval Officer. 4 *pp.*

691. iii. Minutes of Council of the Bahamas Islands. New Providence, 25th Aug., 1729—15th June, 1730. 26 *pp.* [*C.O.* 23, 14. *ff.* 111, 112*v.*–114, 115*v.*, 116, 118–130*v.*]

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May 4.
N. Providence.

692. *Same* to the Council of Trade and Plantations. Encloses last quarter's list of shipping *etc.* *Signed*, G. Phenney. *Endorsed*, Recd. 21st July, 1729, Read 22nd April, 1730. 1 *p.* [*C.O.* 23, 2. *ff.* 208, 209*v.*].

May 5.

693. Governor Philipps to Mr. Stanyan. Acknowledges letter with answer from the Admiralty rejecting his request (*v.* April 2) " upon the supposition of my takeing up a great deal of room, whereas my whole family will consist of myselfe only and a couple of servants " *etc.* *Prays that* his request may be seconded from the office, the merchant ships going late to Newfoundland, " and my longer stay will but increase the King's displeasure " *etc.* *Signed*, R. Philipps. 2 *pp.* [*C.O.* 217, 38. *No.* 23.].

May 6.
London.

694. Col. Dunbar and Mr. Coram to the Council of Trade and Plantations. We have considered several reports made by your Lordships upon proposals for makeing settlements upon Nova Scotia *etc.* and are humbly of opinion, that Nova Scotia still remaining under a military Government no good or profitable subjects can be prevailed on to settle, before a civil Government be erected there *etc.* As Nova Scotia and the other large tract of Crown lands adjoining it, now laying wast and unpeopled between that and the Massachusetts, are together 450 miles in length, we humbly conceive it absolutely necessary for the service of the King and the future security and advantage of H.M. northern Plantations, that the said tract between the Rivers Sagadahock, *alias* Kenebeck, and St. Croix, be erected into a royal province under H.M. civil government (not military charter nor proprietary Government) with all proper powers and instructions, separate and distinct from that of Nova Scotia or New England, it being too great a distance from both for any protection or assistance from them *etc.* Propose that a suitable portion of land be laid out to each settler without fee, every settler to pay a quit rent *etc.* As the expense of sending a number of familys from England and subsisting them for a year, will be inconsiderable in proportion to the advantages the Crown will reap by such settlement, and would also save the greater expence for maintaining a military force there, we hope your Lordships will duely consider it. *Conclude:* We do not finde by any of the reports made by your Lordships upon the proposals laid before you *etc.*, that there was intended any greater reserve or advantage to the Crowne than 14 lb. weight of water-rotted hemp pr. annum for every 100 acres, to commence at the end of the fourth year, to be doubled the twelveth year, and trebled the twentyeth, and so to continue for ever at 42 lbs. of water-rotted hemp, which at the highest cannot be computed at more than one penny sterling pr. annum per acre. Whatever your Lordships may judge sufficient and

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reasonable to be reserved to the Crowne as a quit rent, we are humbly of opinion should be received there in good merchantable hemp fitte for the use of H.M. Navy; particularly for to encourage the raising, well ordering and cureing that commodity there, after the best manner, for an ample supply thereof in due time from thence for the use of H.M. Navy and Kingdoms. *Signed*, David Dunbar, Thomas Coram. *Endorsed*, Recd. Read 6th May, 1729. 3 *pp.* [*C.O.* 217, 5 *ff.* 106–107*v*].

May 6. **695.** Col. Dunbar to the Council of Trade and Plantations. As the distressed people who have applyed by your memorialist for liberty to settle on the east side of Kennebeck river *etc.*, impatiently wait an answer, that they may before the season of the year is too farr spent, either remove elsewhere, or make some shelter and provision for themselves before the winter, *prays for* dispatch of their report, that he may repair to America *etc.* *Repeats* assurance that the new settlement shall be made without any expence to H.M. except a few guns, ammunition and colours for a fort *etc.* *Continues*:—As your Lordships seemed of opinion to recommend the erecting that tract of land into a separate Government *etc.*, *offers* to execute it without a sallary until H.M. shall think him deserveing it, and the quit-rents, or dutys there, afford it. As to the Palatine familyes who are willing to transport themselves, Mr. Hintz who proposes the chooseing the better sort of them, and conducting them to the country is obliged to send into Ireland for two men of the Palatines there, to come to London and to go with him as assistants, and as the season is far advanced, your Memorialist hopes Mr. Hintz may have immediate orders what he is to doe. If a separate Governmt. is made and the said tract of land be erected into a new and distinct Province, it may be named New Hanover *etc.* *Proposes* that 6 or 8 of the new inhabitants may be sworn of the Council and made Justices for one year, in which time their Lordships will be fully informed of the progress and state of the settlement and then give further instructions. *Signed*, David Dunbar. *Endorsed*, Recd., Read 6th May, 1729. 2 *pp.* [*C.O.* 217, 5. *ff.* 108, 108*v.*, 109*v.*]

May 6.
Whitehall.

696. Mr. Popple to Mr. Fane. You will see by the enclosed Minute of Council of the Bahamas a state of the dispute between the deputies of Messieurs Byng and Jobber, and the Agent of the Lessees. (*v.* 23rd Nov., 1728 *etc.*) *Encloses* Bahamas Charter and the Proprietors' Surrender, for his opinion in point of law whether the rights of Admiralty are comprehended within the said Surrender. [*C.O.* 24, 1. *p.* 123].

[7th May].
Pall Mall,
3 a clock.

697. Commodore Lord Vere Beauclerk to Mr. Popple. Encloses following, "wch. I sent in Oct. last to my Lords Commrs. of the Admiralty. In two or three days I shall have

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from Portsmouth the account of last year's Fishery" *etc.* *Signed,* Vere Beauclerk. *Endorsed,* Recd. 7th, Read 8th May, 1729. 1 *p.* *Enclosed,*

697. i. Commodore Lord V. Beauclerk's Answer to the Heads of Enquiry *etc.* The Admirals of the several harbours never give themselves the trouble, or think themselves oblig'd to see the laws observ'd, and only regard the Act themselves so far as it suits with their interest and conveniency, and instead of hindring other ships flinging out their stone ballast in the harbours, very frequently are themselves the first aggressors, which has been so constantly practis'd in the remote parts to the Northward, that most of them I am inform'd are now intirely spoil'd, and hardly possible for ships to anchor in them with any safety, particularly Carbonier and Bonavista. I have never heard that the Admirals keep or transmitt to Great Brittain any journals or accounts of the number of fishing ships, boats or persons employ'd in the Fishery as the Law directs, nor is any regard had to the bringing the number of fresh men prescrib'd by the Law, excepting only such as endeavour to be Admirals, the others being a few Irish men who are generally Roman Catholicks and remain here, that the number is already very great and may in time be of ill consequence. The Admirals never think of demanding their certificates from the Custom house or of obliging them to carry back the same number they brought out with them, so that many servants and green men are yearly left here destitute, not having wherewithal to defray their passages home themselves or purchase provisions to keep them during the winter, but are obliged to accept of the offers made them by the New England masters of vessells, who do not scruple carrying them away notwithstanding the bonds we oblige them to enter into before their departure, they being very seldom prosecuted and never condemn'd to pay the fine. As the Admirals are generally illiterate ignorant men, and being traders in most causes are more or less partys concern'd, and are therefore generally partial in their decisions, which is the reason that very little regard is had to their determinations, and their authority openly slighted, that before the arrival of the men of war, and after their departure the greatest irregularitys are committed, which is but too much encourag'd by the principal inhabitants, who find their accounts in it by the vast quantity of rum they dispose of to the fishermen and servants as do the

masters by stopping their wages for pretended neglect of duty, that between both they are most shamefully oppress'd and wrong'd. The stages and flakes belonging to the ships are destroy'd every year partly by the ships themselves and partly by the inhabitants for fewell, that att their return in the spring they chuse rather to hire rooms of the Planters than be att the charge of building new ones, so the ship's rooms are neglected, the planters yearly encroach upon them, that in a few more there will be no ship's rooms left. All these irregularitys have been long committed and often repeated, which has prejudic'd the trade very much, and must in time ruin it, if not prevented *etc.* *Copy.* 3 *pp.* [*C.O.* 194, 8. *ff.* 202, 203–204, 205*v.*]

May 8.
Marlbro' Street.

698. Governor Hart to Lord Townshend. In obedience to your commands I have considered of what you were pleased to mention to me concerning Porto Rico. *Situation etc. described. Continues :*—It is a very fertile island, well water'd ; and capable of producing everything that grows, both on the Islands and Continent of America. But the Spaniards being restrain'd from planting sugar or tobacco, or even opening of their mines, which are said to be rich in gold, apply themselves to the raising of provisions, and killing of wild cattle, with which their woods abounds, for their hides and tallow cheifly. Their principal port, which is esteemed the best in the American Islands, is St. Juan de Porto Rico ; a deep and commodious bay, situated on the north side of the island ; defended by two castles at the entrance of no great consequence, and within the bay, upon a little island, stands the city of the same name, which is joyned by a bridge to the main island, surrounded by an old wall, and may be bombarded when the entry is once forced ; and by taking possession of the bridge might easily be reduced even by famine. It is generally computed that the number of inhabitants capable of bearing arms most of them molattoes, including the garrison of 200 soldiers, may be about 2000 ; and one fourth part are supposed to dwell in the town, and whoever is master of the town may in time reduce the rest of the Island ; as was formerly done at Jamaica, after the taking of Port Royal. For an expedition against this place, with a prospect of maintaining our ground, and reducing the rest of the island ; four ships of war, at least, from hence, with the two already stationed at Barbadoes and the Leeward Islands, two bomb vessells, 2000 regular troops, with proportional transport ships, stores, artillery and ammunition, would in my humble opinion be absolutely necessary, *etc.*, Two of these six ships, ought to be at least of 60 guns, which will be requisite to force our passage. I do not apprehend much difficulty in taking the town afterwards. For that if the troops are immediately landed, and fling up intrenchments to secure their rear from the alarms of the Cassadors, or hunters, in the country, the want of provisions in the town, woud in a few days reduce the inhabitants to the utmost distress without the effusion of much blood. This is humbly offered as my opinion, from the information I have had of the state and condition of Porto Rico, during my six years residence in my Government, in their neighbourhood. If an expedition is intended this sumer, *etc.*, the hurricane season in those parts, are August and September *etc.*, which are to be avoided; from the great danger the ships would be in at that time. The hurricanes happen usually about the full moon in those months; tho' I have known them in July: But if great dispatch were usd, the ships might arrive in the harbour of Porto Rico, before the hurricanes are expected, where they would be safe from all winds. It is true that there are two or three years together without any of these violent storms, the last year, there was a violent one, and it seldom happens there is any the succeeding year. Besides the reputation the taking of Porto Rico would give to H.M. arms, there are many and great advantages woud redound from that conquest to the Publick. For that island is at present a nest of pirates (the Dunquerke of America) who under the pretence of being guarda de la côsta's, greatly infest the American seas; and make frequent depredations on H.M. subjects, as is too notorious; and therefore the dislodging so troublesom a neighbour, woud be a most acceptable service, by securing our trade: nor is it to be doubted but the situation of this port and island, if we were masters of it, woud enable us not only, greatly to anoy the Spanish settlements in those parts, especially Cuba and Hispaniola; But likewise to render their outward bound navigation of their galleons and flota difficult, if not impracticable, which is of the utmost consequence to them *etc.* Another advantage, which I take to be of great importance, is the security it would be to the Leeward Islands, in case of a war with France. I beg leave to represent, as I have often done to the Lords Commissioners for Trade, that the French in the Islands of Martinique, Guardeloupe and Marygalante are so much superiour to us in numbers in those parts, that it is far from being impracticable for them to destroy our Plantations, especially at Antegoa, Montserrat, Nevis and St. Christophers; the three last of which were plunder'd by them in the late war, and Antegoa savd by an accident: and what force the French are capable of transporting at a short warning their late expedition to St. Lucia is a memorable instance. But in my humble opinion, even the ruin of these islands, which God forbid, woud be more than recompenc'd by the acquisition of the noble island of Porto Rico; which contains a greater scope of ground than Barbados and the Leeward

Islands if collected into one body; and far exceeds them in goodness of soyle, the plenty of water and safety of harbours, which woud soon invite numbers of inhabitants, and render it a flourishing Colony; and probably in time enable them better to defend themselves and even become formidable to the French as well as the Spaniards in those parts. Whereas the Islands of Barbados, Antegoa, Nevis, Mountserrat and St. Christophers being separated by the sea, and at such a distance from one another, makes them more liable to the depredations of a powerful enemy. The method I shall humbly propose for the peopling of this Island, is to obtain a promise from H.M. of a certain number of acres of land to each Adventurer, free from quit-rent for some years; and under a moderate one for all time to come. This I am perswaded from my own personal knowledge of the Brittish Colonies on the Continent of America, woud draw great numbers of inhabitants from thence to settle at Porto Rico, especially from Virginia and Maryland, where the tobacco trade is in a declining condition, from the great quantities now made in Europe. *Offers his services etc. Signed,* Jo. Hart. *Holograph.* 6 *pp.* [*C.O.* 152, 40. *No.* 25.]

May 8. **699.** Capt. Rogers to the Duke of Newcastle. Some particular merchants and traders being now getting hands for a petition to H.M., to recall the order which your Grace has been pleas'd to procure, that the Independant Company comanded by Capt. Pitt Governor of Bermuda, be sent thence, to the Bahama Islands, where at present, they are more wanted, and can be of greater service and benifit to the trade of America, than I presume they now possibly can, at the island of Bermuda. *Asks* permission to wait on his Grace before his departure in a few days *etc. Signed,* Woodes Rogers. 1½ *pp.* [*C.O.* 23, 12. *No.* 100.]

May 10. Admty. Office. **700.** Mr. Burchett to Mr. Popple. *H.M.S. Rose* being fitted out for a voyage to Canso, for guarding the Fishery there, and not to call at Newfoundland, nor to be under the direction of the Lord Vere Beauclerk, who will command the *Oxford* and *Squirrell* bound thither, *enquires* whether the Council of Trade have any heads of enquiry, or informations to send Capt. Weller of the *Rose*, relating to the Fishery at or about Canso *etc.* It is necessary she should sail without losse of time *etc. Signed,* J. Burchett. *Endorsed,* Recd. 11th, Read 14th May, 1729. *Addressed.* 1 *p.* [*C.O.* 217, 5. *ff.* 110, 111*v.*]

May 13. Whitehall. **701.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Autograph signatures.* 1 *p. Enclosed,*

701. i. *Same* to the King. *Submit* following draughts of general instructions and those which relate particularly to the Acts of Trade. *Continue:*—Your

Majesty having now been graciously pleased to allow Capt. Rogers to call an Assembly in those Islands, and effectually to establish a civil judicature there, we have thought it for your Majesty's service to add to the few Instructions formerly given to your Governor of those Islands, such others as to us seem necessary upon this occasion, and which your Majesty has already been pleas'd to approve in the Instructions to your Majesty's other Governors in America. In the 1st Instruction we have added the names of John White and James Jenner, Mr. Ferral and Mr. Frazer two of the Council there being dead. We have likewise added the following Instructions, for which we beg leave to lay before your Majesty our reasons, vizt., By your Majesty's commission to Capt. Rogers, he is directed to summon and call General Assemblies of the Freeholders and Planters; But as there may not be at present a sufficient number of Freeholders and Planters in those places impower'd to return members, we have inserted the XIth Instruction whereby Capt. Rogers will be impower'd to admit of the most substantial inhabitants being return'd in the room of such freeholders and planters, until there shall be a sufficient number of freeholders and planters to serve in such General Assembly. We have inserted the XIIth Instruction impowering your Majesty's Governor to appoint the Clerk of the Assembly in order to prevent in these islands disputes which have formerly happen'd in others of your Majesty's Plantations concerning the appointment of this officer; and that your Majesty's Governor may have a more just and perfect account of all the transactions of that House, for your Majesty's information. We have likewise added the 43rd—50th Instructions, directing the manner of proceedings with respect to the Habeas Corpus Act of this Kingdom, which are the same as those your Majesty has approved of to your Governor of Barbados and Virginia. *Annexed*,

701. ii. H.M. Instructions to Woodes Rogers, "Captain General and Governor in Chief in and over our Bahama Islands, in America and of the garrisons there," *etc.* St. James's. *As described in preceding.* [*C.O.* 24, 1. *pp.* 124–188; *and* (*covering letter only*) 23, 12. *No.* 101.]

May 14. **702.** Col. Horsey to the Duke of Newcastle. Encloses following *etc.* *Signed*, S. Horsey. 1 *p.* *Enclosed*,

702. i. Case of Col. Samuel Horsey. After serving H.M. above 20 years, in 1722 he resigned his post of Lt. Col.

of H.M. Fourth troop of Horse Guards upon the promise of the Government of S. Carolina whenever a new Governour should be appointed. In this assurance he applyed himself to the knowledge of the affairs of the Province for several years. He was the first proposer of the surrender of Carolina to H.M., and procured a petition to be signed by six of the Lords Proprietors to the King for that purpose. After which he did by the mediation of the Earl of Westmoreland negotiate and settle the terms of the said surrender. He has been at great pains and expence in carrying on and effecting this agreement which is allowed to be a very beneficial one to the publick, and is now a Trustee named in the Act of Parliament for executing the same *etc.* *Prays* to be appointed H.M. Governor of S. Carolina. N.B.—If Mr. Hutchison makes application in favour of another under the merit of being a Proprietor, it must be observed, he was not so much as a nominal one when the first petition to the King was signed and but a meere nominal one afterwards, being only in trust for Mr. John Cotton of Westminster, *etc.* He was the occasion of many difficulties, which obstructed the agreemt. for some time *etc.* 1½ *pp.* [*C.O.* 5, 383. *Nos.* 38, 38 i.]

May 14.
Westminster.

703. H.M. Commission for Thomas Diggs to be Lieut. Governor of Montserrat. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 113, 114; *and* 324, 49. *ff.* 58, 59.]

May 14.
Whitehall.

704. Council of Trade and Plantations to the Duke of Newcastle. *Reply to* 21st April. We have discoursed with Col. Dunbar, and as we find the chief matter contained [*in the papers referred*] is the want of a sloop, without which he represents it impossible to compleat the survey [*of Nova Scotia*] *etc.*, *enclose* copy of their *following* report to the Lords of the Committee of the Council upon matters relating to Nova Scotia. *Autograph signatures.* 2 *pp.* *Enclosed,*

704. i Copy of *No.* 705.

704. ii. Report upon Nova Scotia, Sept. 8, 1721. [*C.O.* 5, 4. *Nos.* 35, 35 i, ii; *and* (*without enclosures*) 218, 2. *pp.* 140, 141.]

May 14.
Whitehall.

705. Council of Trade and Plantations to Committee of Privy Council. We have reconsidered our report, referred back to us 19th April *etc.* *Continue* :—Whereupon we have been attended by Colo. Dunbar: we have likewise discours'd with Mr. Coram, a person well acquainted with this part

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of America, and who has been engaged in several proposals for settlements there; as also with Mr. Hintze, who was formerly employ'd in transporting several families from the Palatinate to Ireland; and we find that the Irish families now in New England cannot without much difficulty transport themselves so far as Annapolis, or Canco, having stocks of cattle to remove with them, but are desirous of settling to the eastward of Kennebeck, which is not far distant from the place where they are at present; As to the Palatine families, they are willing to be at the charge of transporting themselves, provided they may have lands assigned them between the Rivers of Kennebeck and St. Croix, upon the same terms with H.M. subjects. And if H.M. shall think it for his service to have any other Palatines settled near Annapolis, and Canco, Mr. Hintze can procure what number shall be thought proper, provided H.M. will please to pay the charge of transporting them thither. We have ever been of opinion, that it was necessary for H.M. service, that all possible encouragement should be given to induce people to settle in Nova Scotia, and have proposed several methods for that purpose in our report of 7th June, 1727; It were to be wished that the Irish and Palatine families could be induced to settle near Annapolis and Canço, but since that cannot be, we would submit to your Lordships, whether it may not be proper for the publick to be at some expence for settling one hundred or more poor Palatine families in those parts. Mr. Hintze computes the charge of transporting 100 Palatine families, consisting of four persons each, to what part of Nova Scotia H.M. shall please to direct, would amount to £1,600: But as he is not capable of undertaking a work of this nature without some support, he hopes he may be allowed for himself and two other Palatines to assist him 20*s.* per diem for four months, which will amount to £120. We are of opinion, the advantage of this settlement will more than compensate the charge thereof, and we beg leave to refer to our said report for the proper means of defraying that expence. As to the Irish families already in New England, and the Palatines who are willing to transport themselves, and make a settlement at their own expence between the Rivers Kennebeck and St. Croix; we are of opinion that no time should be lost in setting out proper lots of ground for them, according to their own proposals, lest any delay should occasion their going to some other place, and prove the loss of so many planters in the western parts of Nova Scotia. We likewise propose that land be also set out for such other people as have already petitioned H.M. and His late Royal Father in this behalf, if they are willing to settle there upon the same terms proposed for the Irish and Palatines. If H.M. shall be graciously pleased to approve thereof, we take leave to propose that the tract of land, extending from the

River Kenebeck to the River St. Croix, be separated from the Government of Nova Scotia, and erected into a new Province by the name of Georgia, and that a distinct Governt. be established there. As the settlement of this country will in great measure be owing to the care of Colo. Dunbar, and as he has offered his service to be Governor of this Colony without any salary, until H.M. shall be pleased to think him deserving of it, we take leave to recommend him as a person qualify'd to be Governor there, during H.M. pleasure. It will be necessary, upon this occasion that Colo. Dunbar, or the person whom H.M. shall think fit to appoint to inspect this new settlement, should have a power given to him of granting lands to such as are willing to settle there, upon condition of paying one penny sterling per acre per annum quit rent to H.M., after the first three years, and upon obliging themselves and their heirs to submit to any further imposition not exceeding one penny more per acre for the maintenance of their Governor and the support of H.M. Government in this Province, which Colo. Dunbar apprehends they will very willingly agree to. The quit rents being thus made payable after the first three years, the grantees will naturally be obliged to cultivate their lands, in order to be able to pay the rent, nor will they desire more land than they can cultivate; and if your Lorsps. should approve of this proposal, we shall then prepare such Instructions as may be necessary for Colo. Dunbar's conduct upon this occasion. But previous to the granting any land in this new Province to private persons, we are of opinion that Colo. Dunbar should be directed to set apart a sufficient quantity of woodland, for the service of H.M. Navy, not amounting to less than 100,000 acres, near to navigable rivers, in which no person should presume to cut any tree, without the Surveyor's licence. This will be just one half of the quantity of wood-lands proposed formerly by us to be reserved in the whole Province of Nova Scotia, of which this new Government is near a moiety. And that the Surveyor Genl. may be the better able to do his duty in this and all other particulars, it will be absolutely necessary that a small sloop should attend him, along the coast, and up the rivers and creeks of Nova Scotia, where there are neither known fords, ferries, nor practicable access without such a conveyance. There was a small sloop built some years since in Nova Scotia, for the protection of the Fishery and survey of the coast, which now lyes there unemploy'd; we would therefore propose that this said sloop may be now refitted for this service. [*C.O.* 5, 916. pp. 192–197; *and* 218, 2. *pp.* 130–139.]

May 14. Whitehall. **706.** Council of Trade and Plantations to the King. *Draw attention to* discrepancies between the Revenue Act of Jamaica and the draft formerly prepared and Govr. Hunter's Instructions, as pointed out by the Attorney and Solicitor General (*v.* March 25). *Continue* :—But upon the whole considering that the people of Jamaica have already been for a considerable time in a state of anarchy for want of laws; that Major Genl. Hunter was not strictly confin'd by your Majty's. Instruction to get a law pass'd in the same words with the draught, provided the substance of the Act was agreeable thereto, and that we conceive this Act may answer the same end; we most humbly submit whether your Majty. may be graciously pleased to allow the same *etc.* The Revenue to be raised by this Act is computed £8,371 12*s.* 6*d.* pr. ann., and exclusive of the charge of the two Independant Companies is something more than was propos'd to be raised in that Island by the draught of the bill. At the same time that they pass'd this Revenue Act they pass'd another, *to oblige the several inhabitants to provide themselves with a sufficient number of white people or pay certain sums of money etc., and applying the same to several uses, and for repairing the wall of Port Royal.* By which Act provision is made for the two Independant Companies for one year. Major General Hunter by his Instructions was empowered to give his assent to a separate Act for this purpose and to endeavour to get the subsistance established for the two Independant Companies for such time as your Majty. shall think it necessary for the security of Jamaica to continue them there; But in case he could not prevail with the Assembly to grant the subsistance after this manner, then to use his best endeavours that the said subsistance be granted for a term certain of as many years as he could obtain. But the Assembly not being willing to provide for these Companies in any other manner than from year to year, Genl. Hunter gave his assent to the aforesaid Act whereby they are provided for, for one year, and they have since pass'd another Act to the like effect for this year's service in Febry. last, the former being now expired, which being come but very lately to our hands, we have not yet had time to consider thereof. By the Act pass'd at Jamaica in 1728 *for a tax by the poll and on trades and applying the same to several uses etc.*, the people have given to Major General Hunter £6000 current money to enable him to support the honour and dignity of your Majesty's Government during his residence there; and have imposed a tax to pay the said sum. *Quote* his Instructions, forbidding him to accept presents from the Assembly but allowing him to accept an addition to his salary if made by the first Assembly and within a year after his arrival *etc.* *Continue* :—Genl. Hunter by giving his assent to this Act, has not so much regarded the letter of his Instructions, as the design of them, judging that an allowance received at once, instead of an additional salary would render him as independant of the Assembly as an annual allowance settled for the time of his continuance in that Government, being

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thereby precluded from receiving any further sum without manifest breach of your Majesty's Instructions. This Act certainly is not agreeable to the letter of your Majesty's Instructions, but as the intention of them may be answered by it, we would humbly submit, whether your Majesty may not be graciously pleased to give your Royal assent thereto. [*C.O.* 138, 17. *pp.* 261–269.]

May 14. Whitehall. **707.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd. 26th, Read 27th May, 1729. ¾ *p.* *Enclosed*,

707. i—iii. Duplicates of *Nos.* 647, 648, 649 i. [*C.O.* 5, 870. *ff.* 240, 241, 242–243, 244, 244*v.*, 246*v.*]

May 14. Whitehall. **708.** Council of Trade and Plantations to the Committee of the Privy Council. *Reply to 30th April.* In our humble opinion a Commission to some person appointed to attend the Lord Vere with proper Instructions may serve instead of a Commission to his Lordship. We have therefore prepared draughts of a Commission and Instructions to such person *etc.*, whereby he will be oblig'd to take the advice of Lord Vere, and to execute such matters as his Lordship shall propose to him in writing for H.M. service. Amongst the Instructions to the Governour, we have inserted some relating to the observation of the Acts of Trade and Navigation, which however will prove of small effect till H.M. shall be pleased to erect a Court of Admiralty or some other property jurisdiction in Newfoundland impowered to take cognizance of offences against these Acts and to determine upon seizures made in pursuance of them. We have likewise prepared the draught of such Instructions as we thought might be proper to be given to the Lord Vere *etc.* For many years pass'd this Board have annually sent to the Lords of the Admiralty certain Heads of Enquiry to be given to the Commodore of the Newfoundland convoy, in relation to the trade and fishery of that place, from whose answers we have constantly been inform'd of the state thereof. We have now made these Heads of Inquiry part of his Lordship's Instructions, and have added such others as we thought might be of service upon this occasion. As the Law now stands upon the Newfoundland Act all robberies, murders, felonies and other capital crimes committed there, are to be try'd in any county in this Kingdom, but this provision has hitherto proved ineffectual, because such offenders have seldom been sent home and when they have for want of evidence they have been acquitted. Wherefore we have annexed an Instruction to the Governour directing him to send home all such

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offenders together with the proper evidence against them, till such time as some other method shall be established for tryal of these offences in the country, which may perhaps be thought necessary so soon as the Island shall have been put under better regulations, and some person skilled in the Laws may hereafter be annually sent thither for this purpose, with H.M. Commission for Oyer and Terminer. In a draught of this Commission we have inserted a clause revoking so much of Colo. Philipps Commission as relates to the Government of Placentia being of opinion with your Lordships that it is adviseable to separate this Government from that of Nova Scotia; and if your Lordships please the company of Col. Philipps regiment now at Placentia may be relieved by an Independant one; For we are still entirely of opinion that a Garrison should be continued there, not only for maintaining H.M. right of possession, too apt to be encroached upon by our neighbours, but likewise for the protection of the Fishery in time of war. *Annexed*,

708. i. H.M. Commission to Henry Osborn, Commander of H.M.S. *Squirrel*, to be "Governor and Commander in Chief in and over our Island of Newfoundland, Our fort and garrison at Placentia and all other forts and garrisons erected or to be erected in that island." *Revoke* such part of letters patent as appointed Richard Philips Governor of Placentia, having "since thought it necessary for our service that Newfoundland, Placentia, and all other the forts, islands and places thereunto belonging should be under the Government of one and the same person, and that a person should be appointed there to prevent the great irregularities, outrages, rapes, felonies, murders and other heinous offences which are frequently committed in our Island of Newfoundland, especially during the winter season, by wicked people, for want of proper persons legally authoriz'd to restrain and punish such offenders" *etc.* *Gives* power to administer the oaths mentioned in the Act *for the further security of H.M. person*, and "to constitute and appoint Justices of the Peace, with other necessary officers and ministers for the better administration of Justice and keeping the peace and quiet of the Island, which Justices of the Peace so authoriz'd may and shall hold and keep general Quarter Sessions of the Peace in such places as you shall appoint, according to the custom of this part of Great Britain called England *etc.*, provided you nor they do anything by virtue of this Commission *etc.* contrary or repugnant to the Act *for encouraging the trade to Newfoundland*, nor any way obstruct the powers thereby given and granted to the Admirals of Harbours or Captains of

our ships of war" *etc.* [*Note in margin:* 24th May a box was sent by the Lord Vere Beauclerk in which was eleven sets of Shaw's Practical Justice of the Peace 2 vol. each, impressed on the covers in gold letters for Placentia, St. Johns, Carbonier, Bay of Bulls, St. Maries, Trepassy, Ferryland, Bay de Verds, Trinity Bay, Bonavista, Old Parlekin, together with 13 printed Acts *to encourage the trade to Newfoundland* and one bundle of the Acts relating to the Trade and Navigation of this Kingdom etc.] All such Justices and their inferior officers to be strictly enjoined to be aiding and assisting to the Commodore or Commanders of our ships in putting in execution the Act *to encourage the trade to Newfoundland etc.*, after taking the oaths aforesaid. The Governor is empowered to appoint Court Houses with a prison adjoining thereto. All officers, civil and military, and other inhabitants to be aiding and abetting him in the execution of his Commission. In case of his death, William Coalsea, first Lieutenant of H.M.S. *Oxford* is to take upon him the administration *etc.* *Signed,* Caroline, Queen and Guardian of the Realm *etc.* Westminster, 31st May, 1729.

708. ii. H.M. Instructions to Governor Osborn. (i) You are to repair forthwith to Newfoundland, call together the principal inhabitants and publish your Commission. (ii) In accordance with the Act *to encourage the trade to Newfoundland,* to take care that all persons guilty of robberies, murders, felonies and all other capital crimes be sent over to this Kingdom with witnesses *etc.* (iii) You shall strictly enjoin the garrison of Placentia not to concern themselves in the Fishery there, nor interrupt the fishermen in the curing of their fish, nor to take up for themselves any beaches, stages, or cook-rooms, upon any pretence whatever, on pain of highest displeasure. (iv) You are particularly to prevent the engrossing of commodities, as tending to the prejudice of the Fishery and the persons employ'd therein. (v) To transmit to us and our Commissioners for Trade and Board of Ordnance, *etc.* accounts of arms and stores at Placentia, and of the state of the fort *etc.* in detail. (vi) You shall use your best endeavours to have all such draughts or maps of Newfoundland or any of the bays *etc.* thereof as you can obtain carefully revised, and thereby procure one or more good and correct map of the same, with the exactest description thereof that can be obtained and transmit the same unto us, and to our Commissioners for Trade *etc.* (vii) Whereas complaint has

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been made of masters of ships and others carrying on a clandestine trade amongst the fishing ships from Great Britain with others from our Colonies and Plantations in America contrary to the Act of Charles II for the *encouragement of trade*, you shall use your utmost endeavour for the due observance of the said Act. (viii) To permit a liberty of conscience to all persons (except Papists), so they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government. (ix) To cause the laws against blasphemy, profaneness, adultery, fornication, polygamy, incest, prophanation of the Lord's Day, swearing and drunkenness to be vigorously executed *etc.*, by presentment upon oath to the Justices of the Peace in their Sessions by their Constables or other inferior officers of the several Harbours at proper times of the year to be appointed for that purpose. And for the further discouragement of vice and encouragement of virtue and good living, you are not to admit any person to act as a Justice of the Peace in the island whose ill fame or conversation may occasion scandal, especially you shall take care that the Lord's Day be devoutly and duly observed, that the Book of Common Prayer as by Law established be read each Sunday and Holiday and the Blessed Sacrament administered according to the rites of the Church of England in all such chapels or publick places of worship as are already settled there. (x) And if any orthodox Minister there shall appear to give scandal either by his doctrine or manners or shall preach or administer the holy Sacraments in any Orthodox Church or Chappel, without being in due orders, you shall give account thereof to the Lord Bishop of London. (xi) To take especial care that a table of marriages established by the cannons of the Church of England be hung up in every orthodox Church or Chappell and duly observed. (xii) If anything shall happen which may be of advantage or security to our said Island which is not herein or by your Commission provided for, We do hereby allow you to take order for the present therein, giving to us by one of Our principal Secretaries of State and to Our Commissioners for Trade *etc.* speedy notice thereof, that so you may receive our ratification thereof, if We shall approve the same, provided that you do not allow anything to be done contrary to the true intent and meaning of the Act *to encourage the Trade to Newfoundland* nor contrary to any of the laws and statutes of this Our realm. (xiii) To send

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accounts to the Secretary of State and Board of Trade of all your proceedings and the affairs *etc.* of the Island. (xiv) To execute all such matters as Lord Vere Beauclerk, Commodore of the Convoy for the preservation of the Trade and Fishery, shall propose to you for that purpose *etc.*

708. iii. H.M. Instructions to Commodore Lord Vere Beauclerk. May, 1729. The usual Heads of Enquiry, Articles I—L. From Article XXIV, the Query, who administers Justice there in the winter? is omitted, Article L, as to Garrison at Placentia being concerned in the Fishery, is omitted, and Article LII (April 21, 1725). *Cf.* C.S.P. March 31st, 1724, and April 21, 1725. [*C.O.* 195, 7. *pp.* 176–238.]

May 16.
St. James's.

709. H.M. Warrant appointing Thomas Hayward Clerk of the Markets of Barbados in the room of Alexander Burnet *etc. Countersigned,* Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 111, 112; *and* 324, 50. *pp.* 23, 24.]

May 16.
Clarges Street.

710. Col. Dunbar to Mr. Popple. About the end of next week I shall go on board, and since the oppertunity of makeing the settlement proposed is for this time layd aside, which may never offer againe upon the same termes *etc.*, *Repeats* request for order for 40 men as guard (*cf.* 17th March), " in such manner as I may be at liberty to putt them on board and carry them to any part of Nova Scotia, for I am determined either to buy or hire a sloop at my own expence that the duty of my imployment may be performed to the full, and I will afterwards depend on their Lordships' recommendation to be repayd it " *etc. Requests* copies of the Act for preservation of the woods as soon as printed *etc. Continues:*—I cannot help expressing my concerne at the assureances I have wrote to the poor people in New England that I should prevail to gett them settled where they desire, and I was so zealous in provideing for them that I have actually contracted for 60 tonn of Irish beef to be sent for their winter's provision, and I have packed up here £400 worth of axes, hatchets, saws, crows, handskrews etc., and a quantity of nails for clearing ground and building houses, and I was treating for a large parcel of course druggets *etc.* I hope it will not be totally layd aside in pique to me, and to shew how little expectation I had of any private view to myself, lett any other be appointed and I will give him my best assistance *etc.* P.S. Some New England agents who attended ye Council yesterday and heard of my success the night before, have boasted of the disappointment as many of 'em have lately taken possession of great tracts where I proposed to fix the Irish families. *Signed,* David Dunbar. *Endorsed,* Recd. Read 16th May, 1729. 3 *pp.* [*C.O.* 217, 5. *ff.* 112–113*v.*]

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May 16.
Whitehall.

711. Mr. Popple to Col. Dunbar. *Reply to preceding.* The hurry of business occasioned by the King's being just upon his going has occasion'd my Lords Rept. to be deferred for the present: As there is reason to hope that the consideration of this matter will soon be resumed, you will receive the proper directions when you are in America. As to the 40 men to assist you, the necessary orders are to be given in another Office *etc.* I heartily wish you a good voyage. [*C.O.* 218, 2. *p.* 142.]

May 16.
Whitehall.

712. Mr. Fane to the Council of Trade and Plantations. *Reply to* 6th May. I am humbly of opinion that there are no words in the original charter of the Bahama Islands by K. Charles II which will carry a grant of Admiralty jurisdiction and the rights and perquisites thereunto belonging to the Lords Proprietors *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd. 17th, Read 22nd May, 1729. 1 *p.* [*C.O.* 23, 2. *ff.* 190, 191*v.*]

May 16.
Whitehall.

713. Council of Trade and Plantations to Governor the Earl of Londonderry. Acknowledge letters *etc.* of 30th Sept., 30th Nov., 26th Dec. and 16th and 30th Jan. *Continue:*—We take this opportunity of congratulating your Lordship upon your safe arrival in your Government, where we have no reason to doubt, but that by your prudent management your Lordship's administration will be attended with great ease to yourself and prosperity to the people. We have again upon this occasion; read the several letters from Lt. Genl. Mathew, which have not yet been answered, and shall take notice to your Lordship of such parts of them as may be proper for your Lordship's information *etc.* By your Lordship's Instructions you are directed to transmit to us the several accounts of publick occurrances which the proper officers are for this purpose to lay before you: But as we observe the difficulty Mr. Mathew has had with Mr. Smith, Secretary to the Leeward Islands upon this subject, we desire your Lordship will acquaint him that his delays for the future in furnishing your Lordship with the proper accounts to be transmitted hither, may occasion our representing his conduct to his Majesty. Your Lordship will herewith receive a list of those publick papers which ought to have been sent to this Office, but are not yet received, and therefore we desire, your Lordship will give the necessary orders for transmitting of them. We have received the Act pass'd at Antigua 2nd March, 172$\frac{7}{8}$ *for laying a duty of powder and mony on all vessels trading to or from this island etc.*, and we find it free from those objections to which that thereby repealed was lyable. In your Lordship's letter of 30th Nov. last, you take notice of your having appointed Mr. Smith a Councillor in St. Christopher's, upon your having found the number of the Council of that island, under seven, *etc.*, but you omitted sending us a list of the present Councillors, and where they are. We must therefore desire your Lordship to transmit this list by the first opportunity, that we may be able to judge how the Council became so reduced. We have laid before H.M. for his royal confirmation, the acts passed at Nevis, Antigua and St. Christophers, for settling upon your Lordship an additional salary, but as the merchts. have petitioned H.M. against these acts, they are referred back again to us to hear the merchts. by their Council *etc.* We have considered the acts passed at St. Christophers Dec., 1727 for *regulating vestries and erecting into parishes those parts formerly belonging to the French etc.* and to *enable the several parts formerly belonging to the French to choose and send Representatives to serve in the Assemblies etc.* As to the first, your Lordship observes very well, that the bounds of the parishes ought to have been described by particular possessions and not by geometrical lines, which few people are capable of apprehending, and therefore we think your Lordship will do very well to endeavour to get this act repealed by another, whereby the bounds of the several parishes may be described in a more intelligible way, and the inconveniencies complained of, prevented for the future. As to the other act, we should immediately have laid the same before H.M., for his disapprobation, if it had not been out of compassion to the inhabitants who by the repeal of the act, and of the several laws made by this new Assembly, might have been involved in very great difficulties; But you will find by the observations our Secretary will send you, what our thoughts of this act are; however we shall let it lye by, in hopes your Lordship may procure another to be pass'd not lyable to the same objections, but if that be not done within a reasonable time, we shall then be obliged to report for the repeal of this law. We have read the several letters from Mr. Estridge and Mr. Phipps, inclosed in your Lordship's of 16th Jan. *etc.* Altho' Mr. Phipps might have been first named by Gov. Park *etc.*, yet as Mr. Estridge was first appointed by the Crown, and for this reason, has constantly been placed first in the Instructions to Genl. Douglas, Genl. Hamilton, Col. Hart, and to your Lordship, we cannot advise H.M. to make any alteration with respect thereto. We shall be glad to receive a further account from your Lordship of the late intended insurrection of the negroes at Antigua. *Subjoined,*

713. i. List of publick papers wanting in the Plantation Office, which ought to have been transmitted by the Commanders in Chief of the Leeward Islands: *Antigua,* Minutes of Council, 2nd Oct., 1725—16th June, 1727. Minutes of Council and Assembly both, since 17th Aug., 1728. *Nevis,* Minutes of Council, 7th Nov. 1723—1st June, 1727, and since 16th Sept., 1728.

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Minutes of Assembly from the end of General Hamilton's government to 20th Nov., 1727, and since 28th Oct., 1728. *St. Kitts*, Minutes of Council, 16th June, 1722—10th Sept., 1724, and 5th March, 1726—29th May, 1727, and since 5th Sept., 1728. All the Minutes of Assembly from the end of General Hamilton's government to 5th June, 1727, and of the Assembly held in 1728. *Montserrat*, Minutes of Council, 7th Sept. 1724—4th March 1727, and since 26th Feb. 1728. All the Minutes of Assembly from the end of Genl. Hamilton's government to 16th May, 1729. *Wanting from all* the Islands: (Some of these have been received from particular times, but no continued series, so as to form any report to the Crown upon 'em, as is now required by H.M.) :—The Treasurer of each Island's account of receipts and payments; account from the parish registers of births and burials; naval officers' accounts of imports and exports, with separate accounts of negroes and liquors imported; all for the last 8 years. Account of present stores of war and fortifications; of the courts, officers, deputies and fees of each office; of the present state of each island, with the improvements that are or may be made therein, and the wants and defects thereof. [*C.O.* 153, 15. *pp.* 1–8; *and* (*extract only, relating to Councillors*, ¾ *p.*) 152, 43. *f.* 47.]

May 17. Whitehall. **714.** Mr. Popple to *the Same*. Objections to the Act *enabling the former French parts to choose Representatives etc.* (*v. preceding*). By this act, any person qualified as is thereby directed, has a right of electing or being elected to serve in the Assembly, whether he be a freeholder, or not. Altho' this may be agreeable to the tenour of your Lordship's Commission, whereby freeholders and planters, may indifferently elect and be elected, yet my Lords Commissrs. are of opinion that the common custom of the island ought to be the rule in this case, and that the act ought to be fram'd accordingly. By this act, denizens have a right of being elected. My Lords are of opinion, that this priviledge ought only to be allowed to such as are naturaliz'd, unless any inconvenience be apprehended from the want of a sufficient number of freeholders. By the same act all the King's officers are excluded from serving in Assemblies, or concerning themselves therein, under severe penalties. As my Lords do not see any reason for this severity, they will not agree to any act with the like clause. Besides the objections aforementioned, the King's prerogative is so much restrained thereby, that there ought to have been inserted therein a clause for suspending the execution thereof, till H.M.

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pleasure could have been declared thereon ; and your Lordship will please to observe, that the passing any act of this nature, without such a clause, will be contrary to your Lordship's instructions. [*C.O.* 153, 15. *pp.* 8–10.]

May 19. Whitehall. **715.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law six Acts passed at Jamaica Febry. last. [*C.O.* 138, 17. *pp.* 270, 271.]

May 19. Whitehall. **716.** *Same* to Mr. Burchett. *Reply to* May 2 and 10. The usual Heads of Inquiry are now laid before H.M. in order to be given as Instructions from H.M. to the Commadore. My Lords Commissioners having prepared certain queries (*enclosed*) in relation to the Fishery at Canco desire that the Lords Commissioners of the Admiralty will please to give them as Instructions to Capt. Weller *etc.* *Annexed*,

716. i. Heads of Enquiry relating to the Fishery and Trade of Canco in Nova Scotia and parts adjacent *etc.*, for Capt. Weller, H.M.S. *Rose*, appointed to guard the Fishery at Canco. You are to give all due encouragement and protection to the trade and fishery there and to transmit the fullest account you can to the Lords Commrs. for Trade *etc.* as likewise distinct answers to the following queries vizt. (i) Whether the inhabitants are possess'd of any stages, cookrooms etc. or of any trainfats ; if so, by what title ? Or whether they are left at large for fishing ships ? (ii) Whether any persons do presume to expunge, cut out, deface or alter the mark of any boats or trainfats of other persons and convert them to their own use or remove the same from the places where they were left by the owners. (iii) Whether any aliens or strangers not residing in the Kingdom of Great Britain or Ireland, do resort to Nova Scotia or to the Islands adjacent thereunto and take bait or use any sort of trade or fishing whatsoever in those parts ? (iv) Whether the said inhabitants are wholly supplied with sail-cloth, netts and tackle for their fishery ? and with woollen, linnen, leather and other manufactures for their use and wear from this Kingdom ? Or whether they are furnish'd with any of the aforesaid necessaries from the Plantations or from any foreign country whatsoever ? (v) What wages do the said inhabitants allow to their servants for carrying on the Fishery ? and in what manner do they pay them ? (vi) How much does the charge of fitting out and maintaining one of their fishing boats for the whole season amount to ? (vii) Whether the inhabitants have any other employment in the fishing season for

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their servants than taking and curing of fish? Whether they are dilligent therein? How many men they allow to each of their fishing boats? Whether they can afford their fish as cheap as the fishing ships, and the by-boats, or what difference is made between the price of the one and the other? (viii) In what manner they employ themselves and their servants after the fishing season is over, and during the winter? Whether they are industrious in providing and making necessaries for their next fishing season, or mispend their time in debaucheries and excesses? (ix) Whether the houses, etc. of the inhabitants are at such a distance from the waterside as not to hinder or obstruct the fishermen in making their flakes, or in drying and curing their fish? (x) How many flakes are allowed to each fishing boat, and of what length? Whether they are extended in length according to the custom used in Newfoundland from the shore up into the land? Or whether any of the inhabitants or fishermen extend their flakes along the shore or possess a larger front to the water side, according to the number of their boats than was formerly allowed at Newfoundland in that case. (xi) Whether the fishing ships that proceed directly from this Kingdom to Nova Scotia are victualed here and provided with all other necessaries of British product and manufacture for the whole voyage? Or whether the masters or freighters do not furnish themselves with provisions that are brought from the Plantations or other parts to Nova Scotia? (xii) Whether any of the fishing ships follow the old laudable custom of allowing their ships companies shares of what they make in the voyage, instead of wages, and in such case, how much doth the charge of fitting out and maintaining a ship of 100 tuns with 50 men and 10 boats amount to for the whole voyage? (xiii) How many taverns or publick houses in Nova Scotia or at least in the harbour of Canceau? Are they kept only by the inhabitants, or by the by-boat keepers and the people of New England also? Do they trust the fishermen upon their own credit or do the masters of the ships and of the by boats permit them to trust their crews; and deduct the same out of their respective wages, hire or shares, in order to satisfy the said tavern keepers? Are not the poor seamen hereby tempted to spend the greatest part or the full amount of their wages, and frequently to run so far in debt, that they are forced to remain as servants to the inhabitants, and at last constrained to betake themselves to New England? (xiv) Whether the inhabitants do not usually trust their own servants employed in the fishery with rum and other stores to a greater value than their wages amount to? And whether they are not generally paid as in the foregoing article? (xv) How much do the by boatmen and the inhabitants allow to the masters of the fishing ships for the passage of their servants both out and home? In what manner do the said inhabitants pay the masters of the fishing ships for the same and for the several necessaries they supply them with? And whether a considerable part of these debts is not secured by suffering their seamen to run in debt to the inhabitants? (xvi) Whether this method of trusting the fishermen is not the occasion of many thefts and disorders? Are they not by their debaucheries often withdrawn from and render'd unfit for their labour to the great discouragement and obstruction of the Fishery? (xvii) Whether the masters of the fishing ships and by boats do not connive at or encourage their men to remain in the land that they may save the charge of carrying them home? What number of men do stay behind yearly, and particularly last year? (xviii) Whether the New England traders do still continue to entice and carry thither numbers of handycraft men, seamen and fishermen? And whether any of the inhabitants do favour or assist them therein? (xix) And whereas H.M. Consuls and the merchants residing in Portugal, Spain and Italy unanimously complain that by reason of the ill curing of the fish for some years past the consumption thereof is considerably lessen'd, and that the trade will be losst if effectual care be not taken to reform the same, you are therefore to use your best endeavours that the masters of the fishing ships the by-boatkeepers and inhabitants do take the greatest care in curing their fish with good salt and with a sufficient quantity, and in preparing, husbanding and ordering the same, that the credit thereof may be again recovered, and that it may be well receiv'd and esteem'd in the several places to which it is carry'd for sale. And further you are upon this occasion very particularly to inquire into their manner and method of taking and curing their fish, what quantity of salt they allow for the curing every hundred quintals, whether they are guilty of any abuse in the ordering thereof. Whether the fish taken at a distance from the land by their small vessels is not prejudiced before it is brought on shore? Whether the inhabitants or the fishing ships or the

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by-boat-keepers are most to be blamed? And in short, from whence these complaints arise and what methods are to be taken to prevent or rectify whatsoever is amiss? (xx) You are to inquire into the present state of the French Fishery at Canceau and Cape Breton. What number of ships, boats and men they employ therein? Whether they do not encourage Irish Papists who are disaffected to our present happy Establishment, and what number of such may now be among the French? (xxi) Whether any of the Officers of the Garrison at Canceau are concerned directly or indirectly by themselves or others in the Fishery? Or whether they take upon them to dispose of fishing rooms, beaches, stages etc. to any persons whatsoever, or hire out the soldiers to fish?

716. ii. Scheme of Fishery at Canco. *Similar to usual scheme of return required from Newfoundland.* [*C.O.* 218, 2. *pp.* 143–155.]

May 19. Whitehall. **717.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law, act of Antigua, 1728, *to supply the defects of the act for constituting a court of Chancery etc.* [*C.O.* 153, 15. *pp.* 10, 11.]

May 20. Whitehall. **718.** Council of Trade and Plantations to the Duke of Newcastle. Finding by the journals of Virginia that the Council of that Colony had ordered £300 sterling and the Assembly £500 current mony to be given to Lt. Govr. Gooch, we wrote to him, 7th May, 1728, wherein we expressed our disapproval of his receiving presents, contrary to his Instructions. In answer to this letter, he has acquainted us, that other Govrs. of Virginia have usually receiv'd the like presents upon their arrival, and that he had reason to hope the same indulgence would be allowed to him. We therefore thought ourselves obliged to lay this matter before your Grace, that H.M. pleasure may be known thereupon. [*C.O.* 5, 1366. *pp.* 18, 19.]

May 20. Whitehall. **719.** *Same* to *Same.* We have lately considered a letter from Lt. Govr. Gooch (*copy enclosed*), in relation to the difficulty he is under in forming a rent roll for the two new counties of Spotsylvania and Brunswick, now that the time is expir'd for which his late Majesty was pleas'd to exempt the inhabitants of those Counties from the payment of quit-rents. Your Grace will perceive that this difficulty proceeds from a Minute of Council in Virginia, whereby the Officers of the revenue were ordred not to demand either the rights or quit-rents for lands granted in the said counties, least the acceptance of such payments should be construed an allowance of some large grants which were made before his late Majesty's intentions were known. As the settling these counties appears to be of very great consequence for H.M. service, we beg your Grace will please to take the first opportunity of knowing H.M. pleasure thereupon. [*C.O.* 5, 1366. *pp.* 19, 20.]

May 20. Whitehall. **720.** Mr. Popple to Mr. Carkesse. Encloses extract of Memorial from Mayor of Poole (*Feb.* 12*th*) complaining that a duty is now demanded for oil made at Newfoundland, and an extract of the Newfoundland Act declaring such oil free of duties. *Enquires* for what reason the officers of the Customs now make this demand. [*C.O.* 195, 7. *p.* 240.]

May 21. Whitehall. **721.** *Same* to the Mayor of Poole. *Reply to* 12th Feb. By the first clause of the Act *for encouraging the trade to Newfoundland* you seem to apprehend that no person not residing within this Kingdom can enjoy the benefit of the Fishery at Newfoundland: But as by the first part of this clause, it is enacted it shall be lawfull for all H.M. subjects residing within this His realm of England or the Dominions thereunto belonging to enjoy the benefit of this fishery, My Lords are of opinion that the people of New England, Ireland, Guernsey and Jersey are not excluded those places, being Dominions belonging to this Kingdom. That part of the clause from which you have form'd your opinion restrains none but such as are aliens and strangers not residing in this Kingdom, Wales, or the town of Berwick; whereas did such alien or stranger reside in this Kingdom this clause would seem to give him the benefit of fishing etc. at Newfoundland. Your complaints against the New England men for enticing and carrying away your sailors and fishermen is of very great consequence, and therefore my Lords in the Instructions wch. they have now prepared for the Lord Vere have inserted an Article to require his Lordship to use his best endeavours to prevent this practice for the future. As to the duties on oil *etc.*, my Lords have enquired *etc.* *See preceding letter.* [*C.O.* 195, 7. *pp.* 241–243].

May 21. Whitehall. **722.** *Same* to Mr. Fane. My Lords Commissioners having reconsidered the act of Virginia *declaring how long judgments shall be in force etc.*, (*v.* Feb. 18, March 25 *etc.*), do find that all other acts, or so much thereof as relates to the declaring how long judgments, bonds, obligations and accounts shall be in force, are repealed. The said act now lies before her Majesty to be repeald; and if by the repeal thereof, the acts thereby repealed should revive, *etc.* they desire your opinion in point of law, whether the acts now revived, are liable to the same objections as that now before H.M. to be repealed. There was an act passed in Virginia in 1696 *declaring how long judgements and specialties shall be pleadable*, which seems reviv'd by the aforesaid law. [*C.O.* 5, 1366. *pp.* 21, 22].

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May 21. Whitehall. **723.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Presses for their opinion in point of law upon grievances of clergy of the Massachusets Bay, submitted to them 24th Nov. 1727. [*C.O.* 5, 916. *p.* 198.]

May 21. **724.** Mr. Yeamans to Mr. Popple. Excuses himself for not waiting upon the Board this day. "I have been so much out of order for these three days last past that I do not stirr abroad." [*Dated* 1728 ? *by error. Ed.*] *Signed,* John Yeamans. *Endorsed,* Recd. Read 21st May, 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 63, 64*v.*]

May 22. Kensington. **725.** Order of Queen, Guardian of the Realm, in Council. Approving Instructions for Lord Vere Beauclerk and Commission and Instructions for Governor of Newfoundland, Capt. Henry Osborn, H.M.S. *Squirrel,* and in case of his death the first Lieutenant of H.M.S. *Oxford.* Lt. Govr. Gledhill is removed from his post and called home to answer for his conduct. H.M. Secretary of War is to order the three Chaplains on the establishment of the Regiment and Garrisons in Nova Scotia, and other Staff Officers upon that establishment to repair forthwith to their respective posts, as also the Officers in any other of H.M. Plantations in America. The Secretary of War is to report whether the Company of Foot belonging to Col. Philips's regiment, at Placentia, may properly be relieved by an Independent Company. *Set out,* A.P.C. III. *pp.* 221, 222. *q.v. Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. $1\frac{3}{4}$ *pp.* [*C.O.* 194, 8. *ff.* 210, 210*v.*, 211*v.* ; *and* 5, 21. *ff.* 3, 3*v.*]

May 22. Kensington. **726.** Order of Queen *etc.* in Council. Recommending Bishop of London to send a Clergyman to Newfoundland *etc. as proposed* 19th April. *Set out,* A.P.C. III. *p.* 222. *Endorsed as preceding.* 1 *p.* [*C.O.* 194, 8. *ff.* 212, 213*v.*]

May 22. Kensington. **727.** Order of the Queen *etc.* in Council. Confirming Act of New Jersey, 1718, *for ascertaining the line of partition between the Eastern and Western divisions etc., Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. 2 *pp.* [*C.O.* 5, 972. *ff.* 184, 184*v.*, 185*v.*]

May 22. Kensington. **728.** Order of Queen *etc.* in Council. Approving report of Committee 22nd April, agreeing with report of Council of Trade upon Address of the Representatives of the Massachusets Bay, and advising that H.M. order this whole matter to be laid before Parliament. (*v.* A.P.C. III. *pp.* 108–111.) Ordered, that one of H.M. principal Secretaries of State receive the pleasure of the Crown thereupon. *Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. 5 *pp.* [*C.O.* 5, 870. *ff.* 249–251, 252*v.* ; *and* 5, 752. *No.* 39.]

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729. Order of Queen *etc.* in Council. Approving draught of Governor Philipps's Instructions. *Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. ¾ *p.* [*C.O.* 217, 5. *ff.* 117*v.*, 118*v.*]

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730. Order of Queen *etc.* in Council. Repealing Act of Virginia *declaring how long judgments, bonds etc., shall be in force. Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 5, 1321. *ff.* 140, 140*v.*, 141*v.*]

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731. Order of Queen *etc.* in Council. Confirming Act of Virginia *for limitation of actions etc. Signed and endorsed as preceding.* 1¾ *pp.* [*C.O.* 5, 1321. *ff.* 142, 142*v.*, 143*v.*]

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732. Order of Queen *etc.* in Council. Confirming Act of Virginia *to enable William and Thomas Farrar etc. Signed and endorsed as preceding.* 2 *pp.* [*C.O.* 5, 1321. *ff.* 144, 144*v.*, 145*v.*]

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733. Order of Queen *etc.* in Council. Confirming Act of *Jamaica for granting a revenue etc. and reviving and perpetuating the Acts thereof. Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. 1½ *pp.* [*C.O.* 137, 18. *ff.* 17, 17*v.*, 18*v.*]

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734. Order of Queen *etc.* in Council. Confirming Act of Jamaica *for raising a tax by the poll and on trades etc. Signed and endorsed as preceding.* 1½ *pp.* [*C.O.* 137, 18. *ff.* 19, 19*v.*, 20*v.*]

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735. Order of Queen *etc.* in Council. Confirming Act of Jamaica *to oblige the inhabitants to provide themselves with a sufficient number of white people etc., Signed and endorsed as preceding.* 1½ *pp.* [*C.O.* 137, 18. *ff.* 21, 21*v.*, 22*v.*]

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736. Order of Queen *etc.*, in Council. Referring following to the Council of Trade and Plantations for their report. *Signed,* Temple Stanyan. *Endorsed,* Recd. 13th, Read 18th June, 1729. 1⅓ *pp. Enclosed,*

736. i. Petition of Joseph, Viscount Micklethwait, to the King. By letters patent 12th March, 1714, petitioner was granted the office of Secretary of Barbados, Secretary to the Governor and Governor and Council, and Clerk of the Courts, to which several offices there is no salary attached. Petitioner was at great and constant expence in providing an office, stationary ware and clerks *etc.* for making copies of acts and minutes of Council *etc.*, for which he has never had any allowance. There is due to him for fees to 2nd April, 1719, when

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he surrendered his patent £793 3*s.* 9*d.*, for which he has often applied by his agent, but has not been able to obtain payment *etc.* *Prays* H.M. to recommend to the Government the payment of same. *Signed,* Micklethwait. *Copy.* 2 *pp.* *Enclosed,*

736. ii. Account of fees due as above. *Signed,* John Lenoir, Saml. Wadeson. 1 *p.* [*C.O.* 28, 20. *ff.* 180–182, 185*v.*]

May 22. Kensington. **737.** Order of the Queen *etc.* in Council. Approving drafts of Instructions for Governor Woodes Rogers. *Signed,* Temple Stanyan. *Endorsed,* Recd. 16th, Read 17th June, 1729. 1½ *pp.* [*C.O.* 23, 2. *ff.* 192, 192*v.*, 193*v.*; *and* 5, 194. *ff.* 515, 515*v.*]

May 22. Kensington. **738.** Order of Queen *etc.* in Council. Approving report of representation desiring the Captains of the men of war stationed at New England to protect the mast-cutters for the use of the Navy at Casco Bay. The Lords Commissioners of the Admiralty to give instructions accordingly. *Signed and endorsed as preceding.* 1½ *pp.* [*C.O.* 5, 870. *ff.* 253, 253*v.*, 254*v.*]

May 22. Whitehall. **739.** Council of Trade and Plantations to Governor Worsley. *Acknowledge* letters *etc.* of 13th Sept., 28th Oct., 8th Nov. and 10th and 16th Dec. last. *Continue* :—We are glad to find that the dispute so often mentioned between the Assembly and you in relation to their pretended right of adjourning without your consent is at last determined. We have sent the several acts transmitted with your abovesaid letters to Mr. Fane *etc.*, and so soon as he shall have made his report, we shall lay before H.M. such of them as require his immediate determination. [*C.O.* 29, 15. *p.* 107.]

May 22. Whitehall. **740.** *Same* to Lt. Governor Gooch. *Acknowledge* letters of 8th June, one without date, 9th and 26th Aug. *Continue* :—We are glad to find that the Commissioners for settling the boundaries between Virginia and North Carolina, have made some progress; and we hope that the finishing this division line will prevent the many inconveniencies, which have hitherto happned for want thereof. As you omitted sending a list of persons fit to supply vacancies in the Council, which you promised you would, we hope you will transmit the same by the first opportunity. We have considered the act *for laying a duty on slaves imported etc.*, and your reasons for passing the same; but the merchants of London, Bristol and Liverpool trading to Virginia, having petitioned the King against this act, they have been heard at this Board, and we are of opinion the same ought to be repealed, and shall make our report to H.M. accordingly. We have likewise considered another act *for erecting a lighthouse on Cape Henry*, and your reasons in behalf of the same; we thought it proper to discourse with Lord Baltimore and the Virginia and Maryland merchants upon this subject. But we find the greatest part of them so averse to an undertaking of this nature, that we fear it cannot be complied with. We have laid the act to *enable William and Thomas Farrer etc.* before H.M. for his royal confirmation. *Recount their* representation on the two acts for limitation of judgments etc. *v.* 25th March. *Continue*:—We observe by your letter, a state of the difference between the Council and Burgesses, upon the Burgesses having pass'd a resolve for paying their own attendance out of the publick fund raised by the duty on liquors at the rate of 10/*s.* for each hundred of tobacco allow'd them by law; for which purpose they afterwards prepar'd a bill, upon their resolve not being agreed to by the Council, which was likewise rejected: upon this you desire our directions how you should act, if the same be revived again; But as the reasons assign'd by the Council against agreeing with the Burgesses in this particular, seem to have more weight in them than those offered by the Burgesses, we cannot advise you to give your consent to an act for this purpose, without inserting a clause for suspending the effect thereof till the King's pleasure can be known. We have considered what you write, 9th Aug., in relation to the presents made you by the Council and Assembly. But we are still of opinion that your receiving such presents, is contrary to your Instructions; however we have acquainted the Duke of Newcastle with what you have offered *etc.* (*v.* 20th May). *Enclose* Order of Council upon Col. Spotswood's petition, 1st Feb., "in relation to his land, which will serve for your guidance with respect to him; and altho' we may be of opinion that other persons may deserve the same favour, yet we cannot give you any answer upon this head till H.M. shall have signifyed his pleasure upon a state of this matter now before him in relation thereto." [*C.O.* 5, 1366. *pp.* 22–27.]

May 23. Whitehall. **741.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 19 Acts of New York, 1728 (*enumerated*). [*C.O.* 5, 1125. *pp.* 125–129.]

May 23. Whitehall. **742.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom and His Majesty's Lieutenant within the same. *Representation upon* petition of merchants (26th Sept.) for repeal of act of Virginia for *laying a duty on slaves imported.* The duty of 40*s.* per head laid by this act upon all slaves imported there, will greatly discourage the trade of this Kingdom and of that Colony, as it must in consequence raise the price of their tobacco. This act will likewise discourage the settlement of the two new counties of Spotsylvania and

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Brunswick, as the poorer people will not be able to buy sufficient stocks of negroes, should they be charg'd with this duty. A like act passed in 1723 was repealed *etc.* As this act seems to us lyable to the same objections, *etc.*, recommend its disallowance. [*C.O.* 5, 1366. *pp.* 28, 29.]

May 23. New York in America.

743. Richard Bradley to the Duke of Newcastle. *Encloses* following petition to be laid before H.M. and prays that the Council of Trade may be instructed speedily to consider enclosed memorial to them. *Continues* :—I doubt not, but yr. Grace is, or soon will be, convinced that the General Assemblys of these country's, seem to aim at an arbitrary, and independant power; by their assumeing the sole appropriation of money raised for the publick service. Their usual insisting on passing of bills hurtfull to H.M. Prerogative and interest, at the same time they pass money bills. And by refusing to give any salary at all, to some officers of the Crown; and lessening those of others, when at the same time they augment the salary of such as they appoint; and that without any apparent application for it. It seems, in my humble opinion, that the Assembly's, by such a proceedure, intend nothing less than taking away the offices themselves; or, that they are resolv'd to have only such officers, as are of their own nomination, and who are to have their entire dependance on them *etc.* *Refers to the* "long and considerable arrear of H.M. Quitt-rents in this Province; and which, I have reason to believe, is owing to that too great caution, heretofore used, not to displease Assembly men, who, with their friends (of which number are all those that do but vote for their elections) are; as I am credibly inform'd, answerable for the greater part of such arrears *etc.* *Signed*, Richd. Bradley. 2 *pp.* *Enclosed*,

743. i. Petition of Richard Bradley, Attorney General of New York, to the Queen, Guardian of the Kingdom *etc.* Petitioner, re-appointed by H.M. in 1727, has met with great discouragements and been obliged to carry on at his own expense several prosecutions, ordered by the Governor in Council and Supreme Court of Judicature. He has had no salary paid to him; and is reduced to great extremity for want of the £1100 thus owing to him. *Prays* H.M. to settle a salary upon him *etc.* and order the Governor to pay his arrears *etc.* 2⅓ *pp.*

743. ii. Memorial of *Same* to Governor of New York in Council. Nov. 9, 1728. Memorialist had his salary paid out of H.M. quit rents by order of the late Governor, but since Dec. 1724 this has been refused on the grounds that H.M. quit rents here were charged by the Government at home with full as much or more than they could pay. His fees for prosecutions have

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also been withheld. Former Attorney Generals had £150 a year paid them from home and his Letters Patent grant him the same salary and fees as they enjoyed. *Prays* the Governor and Council to recommend him for the same *etc.* *Signed*, Richd. Bradley. *Copy.* 2 *pp.*

743. iii. Memorial of the Governor and Council of New York to the Council of Trade and Plantations. 1st April, 1729. Recommend above request "being well assured of the said Attorney General's steady and unshaken loyalty, as well as integrity and diligence in his office" *etc.* *Signed*, J. Montgomerie *and* ten Councillors. 1 *p.* [*C.O.* 5, 1086. *ff.* 4, 4*v.*, 6, 13, 13*v.*, 16–17; *and* (duplicates of encl. ii. iii) *ff.* 1, 1v., 3.].

May 23. **744.** Petition of Charles Delafaye to the Council of Trade and Plantations. On behalf of H.M. Colony and Island of Jamaica, *represents* that Governor Hunter has made repeated applications to the Board for an alteration to be made in the Council, in order that he may get a quorum more easily upon an emergency. Memorialist was in hopes this difficulty would in some measure have been removed by the appointment of Mr. Forbes *etc.* But Governor Hunter informs him that Mr. Ayscough has sold his estate and is coming to England to settle, whereby the Council will be in the same condition as it was before *etc.* *Prays them* to recommend William Needham or Edward Charleton in his place, as proposed by the Governor. *Endorsed*, Recd., Read 23rd May, 1729. 1½ *pp.* *Enclosed*,

744. i. Governor Hunter to Mr. Delafaye. Extracts relating to above, Nov. 6, 1728, and March 8, 1729. ¾ *p.* [*C.O.* 137, 18. *ff.* 13–14, 16*v.*]

[May 23]. Boston. **745.** Lt. Govenor Dummer to the Council of Trade and Plantations. Sept. 7, 1727. King George II was proclaimed on 16th Aug. *etc. v.* Minutes of Council. Has kept the General Court under adjournment for settling the disputed matter of the tax *etc.* *Signed*, Wm. Dummer. *Endorsed*, Recd. 9th Nov., 1727, Read 23rd May, 1729. *Holograph.* 3 *pp.* *Enclosed*,

745. i. Minutes of Council of the Massachusetts Bay, 14th—17th Aug., 1727. *Endorsed*, Recd. 9th Nov., 1727. 6 *pp.* [*C.O.* 5, 870. *ff.* 218–222*v.*, 223*v.*]

May 23. Whitehall. **746.** Mr. Popple to Mr. Fane. Enclose for his opinion in point of law 4 Acts of New Hampshire (i) *for establishing the proportion of several towns to be paid in the province tax for* 1728. (ii) *to repeal an additional act to the act for punishing criminal*

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offenders, and repealing act prohibiting trade with Eastern Indians (iii) *for calling and electing Assembly-men, and their qualifications* (iv) *for regulating the assize of shingles.* [*C.O.* 5, 916. *p.* 199].

May 24. Boston. **747.** Governor Burnet to the Duke of Newcastle. I am sensible of my great obligations to your Grace for recommending dispatch to the Lords of Trade in making a report upon my disputes with the Assembly *etc.* I hope I shall deserve the continuance of your Grace's protection, and that the affair will be brought to a final decision before the British Parliament, which is the only thing that can overcome the obstinacy of this people. I have succeeded in obtaining a salary to be settled during the time of my Government in New Hampshire, and have now returned the old Seal of that province *etc.* *Signed,* W. Burnet. *Endorsed,* R. 24th July. 1½ *pp.* *Enclosed,*

747. i. Copy of following. [*C.O.* 5, 898. *Nos.* 57, 57 i.]

May 24. Boston. **748.** Governor Burnet to the Council of Trade and Plantations. *Acknowledges* letter of Feb. 11th. Their Lordships' approbation of his conduct has given him the highest satisfaction *etc.* *Continues :*—I had met the Assembly again at Salem, and they had again rejected the consideration of fixing a salary before your Lordships letter came to my hands as appears by their enclosed votes pag. 5. But since that they have renewed their opposition to the adjournment to Salem, pag. 13, 14, 15, tho' they were advised by their friends at home that it was a point that could not be defended, it having been already decided by his late Majesty. The town of Boston have likewise repeated their factious proceedings in giving their members extraordinary gratuities for their faithfull services in opposing the settlement of a salary. I thought it necessary to keep to my point in holding the Assembly at Salem as long as this spirit prevailed at Boston and therefore have issued the writs for the new Assembly to meet at Salem which they are to do on the 28th of this month. In the meantime I have been in the Government of New Hampshire where I have succeeded in getting a salary settled according to H.M. Instruction during the time of my being in the Government, which is the same which my Lord Londonderry has lately obtained in the Leeward Islands. I now return to your Lordships the old Seal of New Hampshire having delivered the new one to be made use of in that Province. *Signed,* W. Burnet. *Endorsed,* Recd. 24th July, Read 3rd Sept., 1729. 2½ *pp.* [*C.O.* 5, 870. *ff.* 267—268*v.*]

May 26. Kensington. **749.** Warrant of Queen Caroline for preparing a Commission for Henry Osborn, Commander of H.M.S. *Squirrel,* to be Governor of Placentia *etc.* *Countersigned,* Holles Newcastle. [*C.O.* 5, 194. *ff.* 604–610.]

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750. Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* Mr. Ayscough having left Jamaica to settle in this Kingdom, *propose* that Edward Charleton, one of the Judges of the Supreme Court, be appointed of the Council in his stead. [*C.O.* 138, 17. *pp.* 271, 272.]

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751. *Same* to Governor Hunter. Acknowledge letters *etc.* of 24th Aug., 9th Nov., 15th Jan., 10th Feb. and 8th March. Inform him of their procedure upon Acts of Jamaica (*v.* May 14th and 19th) and *preceding.* [*C.O.* 138, 17. *pp.* 273, 274.]

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751. Council of Trade and Plantations to the Queen, Guardian of the Realm and H.M. Lieut. within the same. Mr. James Penhallow, one of H.M. Council of New Hampshire, not being able to attend his duty there, by reason of his constant employment at sea, desires to be left out of the said Council *etc.* *Propose* John Penhallow in his stead. [*C.O.* 5, 916. *p.* 200.]

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753. Col. Dunbar to Mr. Popple. Is about to sail, and asks for a copy of the Board's report upon the proposed settlement near Kennebeck river, in Nova Scotia. Has been at great cost to provide iron tools for the people and provisions for the next winter, so that nothing will be wanted to make the settlement with expedition and ease *etc.* Is "ashamed to appear before the Board after the severe reprimand I have received." *Signed,* David Dunbar. *Endorsed,* Recd., Read 28th May, 1729. 2 *pp.* [*C.O.* 5, 870. *ff.* 247, 247*v.*, 248*v.*]

May 28.
Whitehall.

754. Council of Trade and Plantations to Lt. Governor Armstrong. *Acknowledge* letter of 9th July, "wherein you make several useful observations with respect to the state of the Province under your command, but as the settling a civil Government and several other matters in relation thereto now lie before H.M. for his determination, you may soon expect to receive H.M. pleasure thereupon. However, in the mean time we hope you will send us constant accounts of whatever may happen" *etc.* You will do well to give Col. Dunbar all the assistance and encouragement you can *etc.* [*C.O.* 218, 2. *pp.* 156, 157.]

May 28.
Whitehall.

755. Mr. Popple to Lt. Governor Wentworth. *Acknowledges* letters of 25th Sept., 1727, 20th Feb. and 30th June, 1728 *etc.* *Continues:*—As the chief subject of your said letters relates to the difficulty you have been under to preserve H.M. woods, I am to acquaint you that my Lords Commissioners prepared an Act, which passed the last Session of Parliament, for the preservation of the woods, and giving bounties on Naval Stores *etc.*, printed copy enclosed. By this Act proper care is taken to obviate the objections to which the Act passed in his late Majesty's reign, was liable, with respect to townships, where the inhabitants of some of the Colonies seem to set up a pretence, and to exclude H.M. from the benefit of any of the woods there. As this Act likewise gives a bounty upon importation into this Kingdom of several sorts of Naval Stores, My Lords Commissioners hope you will endeavour to induce the people to turn their minds to the propagation thereof. H.M. has lately appointed Col. Dunbar Surveyor General of his woods in America ; He is now set out in his way thither, and you will do very well, at his arrivall, to give him all the encouragement, and protection you can in the execution of his office *etc.* My Lords Commissioners are very well pleased to find, you have refused giving your assent to an Act for creating paper money ; but at the same time they are sorry to see the Assembly has shewn so little regard to H.M., as to shorten their allowance to you, his Lt. Governor, for having according to your duty adhered to H.M. Instructions. [*C.O.* 5, 916. *pp.* 201, 202.]

May 28. Whitehall. **756.** Council of Trade and Plantations to Governor Burnet. *Acknowledge* letters of 23rd and 24th Jan., 31st March *etc.* *Continue* :—We have heard what the Agents from the Assembly (*of the Massachusets Bay*) had to offer by their Council against settling a fix'd salary upon you, as likewise Council in behalf of H.M. Instructions to you, and have made our report to H.M. *etc.* You may shortly expect to receive H.M. orders upon this subject ; and if the Assembly shall not comply therewith, H.M. intends to lay the state of the case before his Parliament the next Session. We have consider'd what you write in relation to the two Independant Companies which you propose to be sent to the Massachusets Bay ; and we cannot think it proper at this time to lay such a proposal before H.M. We are glad to find that the Assembly have at last submitted to their adjournment to Salem, and we cannot but hope they will likewise return to a sence of their duty in other respects. *Acknowledge* receipt of old Seal of the Massachusets Bay. Have recommended John Penhallow for the Council of N. Hampshire, who is not to be admitted till an Order is received for that purpose, unless the number of Councillors is reduced to seven. [*C.O.* 5, 916. *pp.* 203, 204.]

May 28. Whitehall. **757.** *Same* to Governor Montgomerie. *Abstract. Acknowledge* letter of 30th Nov. *etc.* *Enclose* report on act for *the easier partition of lands.* " Altho' you might prevail with the Assembly to pass an act not liable to *our objections ;* yet considering the consequence of any act of this nature, we would advise you not to give your assent thereto, unless there be a clause inserted therein, for suspending the execution thereof until H.M. pleasure can be known. We have considered

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what you wrote with respect to holding a Court of Chancery in New York, *etc.* You ought to hold Courts of Chancery, when there shall be occasion, as former Governors have done." *Set out*, N.Y. Col. Doc. V. 876. [*C.O.* 5, 1125. *pp.* 129–131.]

May 30. Whitehall. **758.** Mr. Popple to Mr. Fane. Encloses four acts of New Jersey; (i) *for shortening law-suits and regulating the practice of the law*, 1713; (ii) *acknowledging and recording deeds and conveyances of land*, 1713; (iii) *for shortening of law-suits and regulating the practice of the law*, 1728; (iv) *concerning the acknowledging and registering of deeds and conveyances of land etc.*, 1728. My Lords Commissioners did some time since lay the two first of these laws before his late Majesty to be repealed *etc.* I am to desire your opinion whether the two last are not of the same nature in point of law and liable to the same objections *etc.* *Encloses* copy of Governor Burnet's Additional Instruction impowering him to cause Representatives to be returned for Hunterdon instead of Salem. Mr. Burnet having obeyed the said Instruction, the Assembly confirmed the same by *enclosed* Act *for vesting the right of election of Representatives to serve in the General Assembly in the County of Hunterdon etc., and suspending the choice of the town of Salem until some further provision be made*, 1728 *etc.* I am to desire your opinion whether the Assembly's taking upon them to confirm what H.M. has done by virtue of H.M. said Prerogative, is not lessening H.M. said Prerogative. [*C.O.* 5, 996. *pp.* 257–259.]

May 30. Kensington. **759.** H.M. Instructions to Governor Woodes Rogers, together with Instructions relating to Acts of Trade and Navigation. [*C.O.* 5, 194. *ff.* 516–602.]

[May 31]. **760.** Petition of merchants trading to St. Christophers, on behalf of themselves and others, to the Council of Trade and Plantations. Pray to be heard against an act of St. Kitts *for laying duties upon sugar molasses etc. exported etc.*, and an act *supplying a defect* in said Act, *etc.* as 30th April encl. iii. *Signed*, Hum. Morice *and* 16 *others*. *Endorsed*, Recd. 31st May, Read 3rd June, 1729. 2 *pp.* [*C.O.* 152, 17. *ff.* 65, 65*v.*, 66*v.*]

June 1. Barbados. **761.** Governor Worsley to the Duke of Newcastle. The 20th April last I advised your Grace of the great confusion this island was in; on account of the payment of the 2/6 levy *etc.* Mr. Reeve's opinion (*v.* 20th April), is of more validity with them, then H.M. Instruction *etc.* *Continues*:—If an opinion of a lawyer, can determine the validity of law in this island, confirmed by his late Majesty, and declared to be in force by his present Majesty, the most dangerous consequences must follow, especially, amongst a people who have already made several attempts upon H.M. Royall Prerogative *etc.* *Encloses* Minutes, showing that, on the 2nd of last month, a representation had been made to the Assembly, by the parish of St. Michael, as well as from other parishes, which sufficiently demonstrates, that they preferr a lawyer's opinion to H.M. Instruction, it likewise sets forth that their ruin is threatened, only for their complyance with the first principle in Nature, the preservation of themselves and familys from utter ruin. I don't know what they mean by being threatned, for my own part, I never threatned them. I have indeed advised them to be obedient to the laws, but I can't help observing to your Grace, that from the same principle of Nature, they may break through all laws, even of their own makeing, and run into anarchy. There is but one Gentleman of the Council, that distinguishes himself upon this occasion, and that is Mr. Haggatt. I have been informed that he laid the foundation of the disturbances that happened in New England, whilst Collo. Shute was there. Mr. Haggatt is one of the Vestry in St. Michael's parish, and the ring-leader of them that refused to lay the apportionment upon the inhabitants of St. Michael's Town, and as by the law, each Vestry man is subject to penaltys for the refuseing, or neglecting to do their duty in laying the apportionment, he has been levyed upon, and his goods sett up to sale, for the said penaltys, when there appeared numbers of people, rather I believe to terryfie others from bidding than to buy themselves, but however, nobody has as yet offered anything for them, under a notion, that the law is not in force, and that therefore they can't have a good title. In my last letter, I have mentioned the share Mr. Peers, the Speaker of the Assembly has had, in the confusion the island is now in. P.S. (*in his own hand*) Mr. Blenman H.M. Att. Genl. here behaves very well for H.M. service. *Signed*, Henry Worsley. *Endorsed*, R. 24th. 5 *pp.* *Enclosed*,

761. i. *Duplicate* of April 20 encl. ii (*a*). [*C.O.* 28, 45. *ff.* 48–50, 51*v.*, 52 ; *and* (*duplicate of covering letter only, endorsed*, R. 29 July) 28, 40. *No.* 3.]

June 1. **762.** *Same* to the Council of Trade and Plantations. Duplicate *mutatis mutandis* of above covering letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 23rd, Read 31st July, 1729. 5 *pp.* *Enclosed*,

762. i. Duplicate of April 20 encl. ii (*a*). [*C.O.* 28, 21. *ff.* 1–3, 4*v.*, 5, 6*v.*]

June 3. **763.** Mr. Popple to Governor Rogers. Encloses Mr. Fane's report "lately made" on the rights of the Admiralty in the Bahama Islands (*v.* 6th and 16th May). [This entry is dated 1732 between entries for 1729 and 1730. Presuming this to be an error for 1729, it may have arisen from the Entry Book

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being written up in 1732, in which case the Clerk might inadvertently write the current year instead of the date of the letter. *Ed.*] [*C.O.* 4, 1. *p.* 188.]

June 3. Kensington. **764.** H.M. Instructions to Governor Osborne. [*C.O.* 5, 195. *ff.* 1–11; *and* 5, 194. *ff.* 614–648.]

June 4. Whitehall. **765.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* Propose Thomas Davers and William Leslie for the Council of Barbados, in the room of Mr. Bond decd., and Mr. Lightfoot gone off the island *etc.* [*C.O.* 29, 15. *p.* 108.]

June 4. Whitehall. **766.** *Same* to the Duke of Newcastle. Enclose copy of deposition of a master of a ship taken by a pirate to be laid before H.M. (*v.* 26th March). [*C.O.* 5, 1366. *p.* 30.]

June 4. Whitehall. **767.** *Same* to the Lords of the Treasury. *Enclose* extract of a letter from Lt. Governor Gooch (*v.* 26th March) giving an account of a barbarous action committed by a crew of transported felons, upon a gentleman of Virginia for having done his duty as a Justice of Peace. *Conclude*:—As the case is very deplorable, we think it proper to communicate the same to your Lordships, that you may be pleased to lay it before her Majesty for her gracious consideration. [*C.O.* 5, 1366. *pp.* 30, 31.]

June 5. Whitehall. **768.** Mr. Popple to Col. Dunbar. Encloses copy of representation as desired 28th May. [*C.O.* 218, 2. *p.* 157.]

June 5. Whitehall. **769.** *Same* to Mr. Scrope. *Encloses* extract of letter from Lt. Governor Gooch, 26th March, desiring orders may be sent for the payment of the boundary Commissioners on behalf of Virginia. *Continues*:—As this service was perform'd in obedience to H.M. Order in Council, 28th March, 1727, and as the same will encourage many grants of land and new settlements near those bounds, to the great increase of H.M. revenue of quit-rents in Virginia, my Lords Commissioners desire you will lay the same before the Lords Commissioners of the Treasury, for H.M. orders what sum shall be allowed for the charge of this survey, and out of what fund the same shall be paid. [*C.O.* 5, 1366. *pp.* 32, 33.]

June 10. Whitehall. **770.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* *Offer* for confirmation the act of St. Xtophers *to subject all commodities of the produce of the late French part shipped off to the* $4\frac{1}{2}$ *p.c. duty etc.*, as it seems highly reasonable that such produce should be subject to the same duties as that of the English part. [*C.O.* 153, 15. *pp.* 11, 12.]

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June 12.
Whitehall.

771. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law 4 acts of Antigua (i) *for laying a duty on all transient traders, who dispose of any goods in this island, and exempting them from the duty upon the commodities of this island by them exported etc.*; (ii) *to enable the freeholders of the parish of St. Paul, Falmouth to choose a vestry for* 1729; (iii) *for the banishment of several negroe slaves concerned in the late conspiracy*; (iv) *for raising a tax for paying publick debts and charges etc.* [*C.O.* 153, 15. *pp.* 12, 13.]

June 15.
North Carolina.

772. Mr. Porter to the Duke of Newcastle. *Refers to* letter of Jan. 24th. *Continues*:—Mr. Lovick and the Surveyor General, one Mr. Edward Moseley, have gon on roundly to dispose of H.M. soil, notwithstanding repeated orders of Governor Everard to the contrary and a charge to Mr. Lovick in open Council to obey the same *etc.* *Signed*, E. Porter. *Endorsed*, R. 10th. 1 *p.* [*C.O.* 5, 306. *No.* 13; *and* 5, 1267. *ff.* 108, 108*v.*, 109*v.*]

June 15.
Barbados.

773. Governor Worsley to the Duke of Newcastle. The great confusion, I lately advised your Grace that this island was in, on account of the payment of the 2*s.* 6*d.* levy, on negro heads, is something abated; the Grand Jury at the Court of Grand Sessions, held for the body of this Island, having, in their (*enclosed*) addresses to H.M., to myself, and to the Chief Judge, disapproved of, and shewn their concern at, the behaviour of some of their countrymen in this late affair, *etc.* *Signed*, Henry Worsley. *Endorsed*, R. 31st (copy sent to Mr. Tilson Aug. 1st). 2 *pp.* *Enclosed*,

773. i. Address of the Grand Jury of Barbados to Governor Worsley. June, 1729. Loyalty to our rightful Sovereign obliges us to demonstrate a becoming regard to his representative *etc.* If those who are governed have certain rights and privileges to which they may justly lay claim, so too the Chief Magistrate must surely be allowed to have as good a title to what belongs to him, especially when the same is settled by an Act of the Legislature here, wherein it is expressly declar'd too, that *nothing conduces more to the general good of any people, than the making such honourable provision for him.* Your Excellency's behaviour in this affair has rather discovered a concern for others, than yourself *etc.* An endeavour by any means to violate a right so firmly founded, appears to be no less than attempting to break through that very security by which alone we hold our respective propertys *etc.*, and if that be not look'd upon as saved in one case, we do not understand, how it can be expected to be so in the other *etc.* *Signed*, as *No.* vi. *Copy.* 1 *large page.*

773. ii. Duplicate of preceding.

773. iii. Address of the Grand Jury to the King. June, 1729. Express utmost loyalty, and praise his heroic virtues and wise counsels *etc.* Notwithstanding the hasty and unguarded behaviour of some of our countrymen in a late instance *etc.*, which we hope did not proceed from any disloyal principle *etc.*, we may say that there are not in any of H.M. Dominions subjects more sincerely, and avowedly attach'd, to your royal person and illustrious family, than in this Colony *etc.* *Signed, as preceding. Copy.* 1 *large p.*

773. iv. Address of *Same* to Chief Justice John Frere. Praise the integrity and strict impartiality with which he has discharged his trust. Since he inherited his large estate, he has devoted himself to fitting himself to be of service to the public *etc.* Wish that all their countrymen would, in pursuance of his wholesome advice and example, outvie each other in the honest discharge of their duties, since there is nothing else wanting to make them a flourishing and happy people *etc.* *Signed as preceding. Copy.* 1 *large p.*

773. v. *Duplicate of preceding.*

773. vi. Original of *No.* i. *Signed,* John Downes, Michael Terrill, Samson Wood, Jos. Palmer, Nicholas Wilcox, Archd. Carmichaell, John Battaley, John Parkes, Joseph Bayley, Jona. Francklin, Benja. Smith, John Chase, Fras. Phillips, Fra. Pile, James Oistine, J. Combes, Samuell Mayhew. 1 *large p.* [*C.O.* 28, 45. *ff.* 54, 54*v.*, 55*v.*, 56, 57, 58*v.*, 59, 60*v.*, 61, 62*v.*, 63, 64*v.*, 65].

June 15.
Barbados.

774. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis.* *Signed,* Henry Worsley. *Endorsed,* Recd. 29th, Read 31st July, 1729. 2 *pp.* *Enclosed,*

774. i.–iii. Duplicates of encl. i., iii., iv., *preceding.* [*C.O.* 28, 21. *ff.* 7, 7*v.*, 8*v.*–11*v.*].

June 16.
Mincing Lane.

775. Mr. Morice to [? *the Duke of Newcastle*]. In obedience to your Grace's commands I send this to acquaint you, that I have discoursed severall merchants trading to Jamaica, concerning the advices they have received from that Island, in relation to the imbargoe laid on all merchants' shipps there, and I have spoken with a gentleman, who came over passenger in the *Deale Castle* man of warr, and by all acctts. I am informed, that it is the opinion of the concerned in the trade to Jamaica, that Governor Hunter will continue the imbargoe *etc.* untill he receives letters from one of H.M. Secretarys of State, that matters are accomodated with the Spanyards *etc.* I found the

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Jamaica merchants under great uneasiness and discontent, to have shipps and effects detained *etc.*, by which they will not probably saile from that island before the tempestuous hurricane season comes on in the West Indies, besides they will have a winter passage home, and loose the benefitt of the early market for their sugars etc. in England, and by the late return of their shipps home, be deprived of an opportunity to export the comoditys of the growth of Jamaica to forreigne parts. These are the unfortunate circumstances of the traders to Jamaica, who were full of complaints of this nature, and with difficulty I prevailed on the gentlemen of all denominations and distinctions to referr it to mee, to draw up a proper representation of this affaire to be laid before H.M. wch. I will get *etc.*, prepared and signed to-morrow *etc.* *Signed*, Hum. Morice. *Holograph.* 2⅓ *pp.* [*C.O.* 137, 47. *No.* 9.]

June 17. **776.** Petition of merchants of London trading to and interested in Jamaica to the Queen. Upwards of 100 sail of merchant ships are detained by the imbargo at Jamaica *etc.* as *preceding*. Pray that instructions may be sent to Governor Hunter to raise it, and that measures may be taken for the protection of the island and its trade *etc.* *Signed*, Hum. Morice and 7 others. 1 *large p.* [*C.O.* 137, 47. *No.* 10.]

June 17. Whitehall. **777.** Mr. Popple to Mr. Carkesse. Requests reply to enquiry of 20th May. [*C.O.* 195, 7. *pp.* 243, 244.]

June 17. Whitehall. **778.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* Offer for confirmation Act of St. Xtophers, 1724, *for building a court house etc.* [*C.O.* 153, 15. *p.* 14.]

June 17. Whitehall. **779.** *Same* to the Duke of Newcastle. Enclose extract from Governor Lord Londonderry's letter, 5th April, to be laid before the King. *Autograph signatures.* *Endorsed*, Copy sent to Lord Townshend the 20th. 1 *p.* *Enclosed*,

779. i. Extract from letter referred to in preceding, relating to the capture of the pink *Pheasant* by a Spanish privateer. 1½ *pp.* [*C.O.* 7, 1. *Nos.* 32, 32 i; *and* (*without enclosure*) 153, 15. *p.* 15.]

June 17. Kensington. **780.** Duke of Newcastle to Governor Hunter. I received the favour of your letter of the 3rd of last month *etc.*, and laid them before the Queen who very much approved your zeal for H.M. service, and for the security of the Island; But Her Majesty could have wish'd that the dispositions you have made for that purpose had not given so great an alarm, as you will find they have done by the inclos'd Memorial *etc.* (*v. supra No.* 776). *Continues* :—Her Majesty has yet no certainty

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what the Spaniards may undertake, but as their design upon Jamaica seems at present to be suspended, H.M. would have you upon receipt of this letter immediately discharge all the merchant ships, if you have not before done it. And tho' you are to continue all the necessary precautions for your safety, yet you are to take particular care to do nothing that may interrupt the Trade, and that no burthen may be laid upon H.M. trading subjects that is not absolutely necessary; You are also to be very carefull not to give any unnecessary alarm, the avoiding of which you will find was particularly recommended by H.M. orders of 17th Feb. *etc.* I had, before the King's departure for Hanover, yours of the 15th January, which I laid before His Majesty, who observed with great satisfaction the measures you had then begun, in order to provide for the safety of the Island in case of any attempt upon it by the Spaniards, and was very well pleas'd with the readiness which the Council of State and Council of War showed in doing all that depended upon them towards it. The account you sent of the Ordnance stores then in the Island, and what was wanting was immediately referred to the Board of Ordnance here, whose report upon it, which goes inclosed, having been approved by the King, they were directed forthwith to send you such stores as were necessary, to be furnished from hence, according to the inclosed list annext to their report, and they were accordingly sent away the 6th of this month; the Officers of the Ordnance having annext another list, which is also inclosed, of such stores as may with greater ease and expedition be provided upon the spot, you will procure them there, if you have not already done it. H.M. concern for the preservation of so valuable a part of His Dominions in America, has induced him at this time to furnish you with this supply out of His own stores, yet you are to observe, that this is a thing pretty unusual, and for which no provision is made by the Parliament, it being to be understood that H.M. Plantations abroad are, especially the most considerable of them, to provide themselves with such necessarys for their defence. *Signed,* Holles Newcastle. *Copy and Draft.* 3 *pp.* [*C.O.* 137, 53. *ff.* 162–163, 164–165.]

June 18.
North
Carolina.

781. Governor Sir R. Everard to the Duke of Newcastle. *Refers to* letter of April 7th. Restates complaint against Mr. Lovick and Moseley (*v.* Jan. 24th and June 15). *Continues*:—Mr. Lovick being thirsty after an unreasonable gain, and to make the most of his office before the King's authority took place, has had no regard to my orders, and my Council not taking proper methods in concurrence with me as desired to suppress him, and there being no further expedient left in me to prevent so unjust a practice *etc.*, I once more apprize your Grace with it. Lovick continues hourly to fill up and

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give out warrants and patents for large baronys of lands and this Moseley *etc.* has lately surveyed for himself 20,000 acres lying contiguous on the head of a river called Trent *etc.*, and 20,000 acres for a gentleman in Virginia, in one body of land on the northern parts of this Governmt., for which warrants were procured by the help of ready cash out of the Secretary's Office *etc.* Such proceedings has been, and will be very destructive to the settlement of this place, and the means to prevent many hundred poor people taking up small tracts of land at a reasonable price, that now will be obliged to purchase the same at second hand and at a dear rate, for that is the view in taking up such unreasonable bodys of land in this country, which in respect to its situation, to the French and Spaniards on the Messicippy, and the numerous savages living near us may prove very fatal in the end. I am lately informed notwithstanding the great exactness I have used on all occasions *etc.*, to demonstrate my affection, duty and loyalty to his late, as well as present Majesty ; yet it seems this Lovick, Gale Chief Justice and one William Little his son in law, agreeable to their wonted practice, have either sworn, or suborn'd others to swear a matter against me, as though I were disaffected to our ever happy and blessed establishment in the most illustrious House of Hanover. But the particulars *etc.* I am at a loss to judge, having in writing demanded a copy, as your Grace will perceive by the enclosed Speech to my Council, but to this day I cannot obtain any. This sort of treatment my predecessor Mr. George Burrington received till by dint of swearing and forswearing they prevailed with the Lords Props. to remove him, and soon after it was my hard fate to succeed in his station, though had their Lordships then known, as I believe they do since, what little veracity ought to be put on what those persons swore, much less on what they said, Mr. Burrington had not fallen under their Lordships' displeasure, *etc.* Three more flagrant villains never came out of the condemned hole in Newgate for execution at Tyburn ; therefore agreeable to the prayer of the people from all quarters of this country *etc.*, I desire your Grace will be instrumental in preventing their holding any posts or office of profit or trust, when we arrive to the happiness of living under H.M. auspicious Government *etc.* *Signed,* Richd. Everard. *Endorsed,* R. 10th. *Addressed. Sealed.* 2¾ *pp.* *Enclosed,*

781. i. Governor Everard's Speech to the Council of N. Carolina, *referred to in preceding. Copy.* April 1st, 1729. 3 *pp.* [*C.O.* 5, 306. *ff.* 31–34*v.* ; *and* (*duplicate of covering letter endorsed,* R. Feb. 3,) 5, 308. *No.* 3 ; *and* 5, 1267. *ff.* 100–101*v.*, 102*v.*–105*v.*]

June 20.
Whitehall.

782. B. Wheelock to Lt. Governor Pitt. In absence of Mr. Popple acknowledges letter of 11th Nov. *Continues :*—

My Lords Commissioners congratulate you on your safe arrival in your Government. Whenever you shall at large explain to their Lordships any difficulties you may labour under relating to the administration of Justice, they will be ready to give you the best advice and assistance they can *etc.* They desire that you will at the same time let them have a full state of the islands under your Government, in answer to the annexed queries. [*C.O.* 38, 8. *pp.* 144, 145].

June 20. Whitehall. **783.** Council of Trade and Plantations to the Lords of the Committee of the Privy Council. Upon order of 30th April referring back their reports upon 3 acts of the Leeward Islands for settling additional salaries on the Governor *etc.*, they have heard the merchants by their Counsel upon their petition against two of the said acts (of Antigua and Nevis), and have also received from several merchants trading to St. Christophers a petition praying to be heard against two acts, *for laying certain duties upon sugars etc. and other goods of the growth and manufacture of the island to be exported, etc.*, passed 19th Sept. last, and an act *for supplying a defect* in that act. *Continue* :—The objections of the merchants against these acts in substance were, that altho' the duties in question were laid upon the produce of these islands, yet the time appointed for collecting them being at their shipping, they were paid by the masters of the ships and became a charge upon the merchants. That the collection of these duties requiring a new clearing, besides that from the naval officer, frequently occasioned a delay in the voyage, and was an impediment to the Navigation of Great Britain, from whence they inferr'd that these duties were contrary to H.M. 24th Instruction *etc.*, and therefore prayed the said acts might be repealed *etc.* They offered some observations of less moment, in relation to oaths, penalties and informalities in wording and passing the said acts. To which it was answered by the Counsel for the acts, that his late Majesty had formerly confirmed an act of St. Christophers, to the same effect with this, in which the duty laid was ⅓*d.* higher, which subsisted for the space of seven years, without any complaint made against it, and that therefore these acts were not of an unusual nature or to be deemed contrary to H.M. 24th Instruction; that far the greatest part of the produce of the Leeward Islands, was shipped on account, and at the risque of the Planters, and not of the merchts., and that whatever part might belong to the merchts., as it arose from the sale of British goods there, it was reasonable to suppose the price of those goods was raised in proportion to the amount of the said duty, and consequently the merchts. would be no loosers by these acts; as also that the said duty was in itself of very small consequence, not amounting to the fiftieth part of a penny upon a pound of sugar. However, it appearing to us, that

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antient debts due to the merchts., if there be any standing out, will be affected by these duties in the manner they are now laid, and that the method of collecting them may possibly be some impediment to Navigation; it were to be wished, agreeable to the desire of the merchts., that these duties had been laid and made collectable upon the Planters; But as the immediate repeal of these acts might be attended with great confusion and inconveniencies, and as the objections go to the method of collecting and not to the duties themselves, we would propose to your Lordships, that these acts may lye by, and that the Earl of Londonderry be directed, as soon as may be, to pass others in their stead, whereby these duties may be charged and collected upon the Planters, before the said commodities shall be removed off the premisses where they grow or where manufactured, which we conceive would as effectually provide for the support of the Govr., and not be lyable to the merchts. objections; and if your Lordships should be of the same opinion, we shall write to the Lord Londonderry accordingly. We have computed the value of the summs granted to the Earl of Londonderry by these acts, and find it amounts to £2,666 13*s*. 4*d*. sterling. [*C.O.* 153, 15. *pp*. 16–22.]

June 20. Whitehall. **784.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, act of Montserrat for *granting to H.M. certain duties upon liquors and house-rent in Plymouth and mills in this island for the payment of* £600 *per annum in the species of gold or silver to H.E. etc.* [*C.O.* 153, 15. *p*. 23.]

June 20. Whitehall. **785.** *Same* to *Same*. Encloses 3 other acts of Montserrat, (i) *for establishing a Court of King's Bench and Common Pleas and a Court of errors etc.*; (ii) an act *of settlement and limitations for avoiding suits at law*; (iii) *for the encouragement of artificers and labourers to recover debts not exceeding six pounds.* [*C.O.* 153, 15. *p*. 24.]

June 20. Whitehall. **786.** *Same* to *Same*. Encloses 4 acts of St. Christophers, (i) *for raising a tax on negroes for erecting a Court-house in the Town of Basseterre, and to oblige the Secretary and other officers to keep their offices there*, and repealing the act of 1724 *etc.* (*v.* 17th June, 1729); (ii) *for raising a tax on slaves and house-rents for building a wall to complete Charles Town, and for repairing the same fort and other fortifications etc.*; (iii) *for establishing a market at the Town of Basseterre, Old Road, Sandy Point, and Deep Bay, and ascertaining the prices of beef, mutton, veal, pork and turtle*; (iv) *to regulate the militia etc.* [*C.O.* 153, 15. *pp*. 25, 26.]

June 20. Whitehall. **787.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extracts of Governor Worsley's letter and enclosures, April 20th last. *Conclude*:—Your Grace will perceive by this letter *etc.* the confusion to which that island is likely to be brought, part of the inhabitants having already refused to pay the levy, appointed by law for the payment of the Govrs. salary and for other publick services upon a supposition that the said law is determined. As that seems to us to be a matter of very great consequence, we desire your Grace will please to lay the same before Her Majesty. [*C.O.* 29, 15. *p.* 109.]

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Whitehall.

788. *Same* to Lt. Governor Gooch. *Acknowledge* letter *etc.* of 26th March. *Continue*:—We are very sorry to hear of the quarrel between the two Indian Nations, but we hope you will use your best endeavours to reconcile them, to prevent the consequences which may attend other Indian Nations being drawn into their quarrel. We have inclosed to the Lords Commissioners of the Treasury an extract of your letter relating to Mr. Lee *etc.* (*v.* 4th June), and as we have represented the hardships of this gentleman's case, we hope H.M. will extend his royal bounty to a person who has suffered for having discharged his duty; you will do well upon this occasion to use your utmost endeavours to find out the persons concern'd in this villainous action, that they may be prosecuted with the utmost severity of law. We have likewise recommended the paying of the boundary Commissioners *etc.* (*v.* 5th June), so that you may shortly expect to receive H.M. orders with respect thereto. We have considered what you write with respect to the want of regulation in the Militia, and we think you have done very well to appoint an Adjutant, to instruct them in the use and exercise of their arms, that they may prove a sufficient guard against any attempts of the Indians or the intestine insurrections of slaves or convicts. Mr. Fitzwilliams having, by his petition, desired that his appointment of the Councils of Virginia, South Carolina and Jamaica, may be renewed, we have proposed the same to H.M., and as to the dispute which you mention concerning this gentleman's sitting as Judge in the General Court, we think, as the law of Virginia appoints the Councel Judges of this Court, his being appointed by virtue of H.M. warrant entitles him to the same privileges as any of the other Councillors appointed by H.M. Instructions. There having been a law passed this last Sessions of Parliament for repealing the clause which prohibited the importation of stript tobacco, that part of your letter in relation thereto, does not at present require any answer. We have sent to his Grace the Duke of Newcastle a copy of the deposition of the master of a ship taken by a pirate etc. (*v.* 26th March, 4th June). On the death of Mr. Beverly we should have propos'd Thomas Corbin Esq. to have supply'd his place in the Council of Virginia, had it not been for your particular caution against him. He

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has been very strongly recommended to us as a person every way qualify'd to serve H.M. in that station, and therefore we shall expect by the first opportunity your reasons against him at large, and in the mean time we do not intend to propose any person to H.M. to fill up the said vacancy. Upon this occasion, we observe the name of Gowen Corbin inserted in the list of persons whom you have recommended to supply vacancies in the Council, and a complaint having been made in the year 1711 against the said Corbin, for clearing a ship in Virginia by virtue of Her late Majesty's sign manual, which had been erased, we send you here inclos'd copies of such papers as made the same appear to this Board, that you may enquire whether ever the said Gowin Corbin cleared his innocency in that case. As to that part of your letter wherein you desire directions about the Spotsylvania lands ; and complain of the great want of a lighthouse at Cape Henry, we sent you our sentiments 22nd May, *duplicate enclosed.* [*C.O.* 5, 1366. *pp.* 33–38].

June 23. Annapolis Royal.

789. Lt. Governor Armstrong to the Council of Trade and Plantations. Having received a letter from Mr. Popple last summer signifying that a body of Instructions was a preparing for Govr. Philipps, I thought fitt to wait to this time giving your Lordships any further trouble, but perceiving now that half the summer is elaps'd without any prospect of news and that this Province is in great disorder *etc.*, I beg some advice and instructions how to govern myself in the interim, since the Governmt. which was settled here by a Council is quite unhing'd thro' death desertion or other casualties nor am I able to fill up the vacancys, here being no settled inhabitants fitt for that office untill I can have H.M. directions for that purpose, in the mean time I beg leave to proceed to acquaint your Lordships with the most material occurrences in this Province since my last, which your Lordships will find to be nothing else but a continued series of insults committed agst. me thro the malice of some people who are abetted and encouraged by the favour and countenance of Major Cosby, Lt. Govr. of this Garrison, who forgetting his character and dignity has condesended to become a party in the malicious contrivances of enemys, who without any regard to truth or justice or H.M. service have obstructed, vilifyed and misrepresented all my actions. The first person I shall take notice of for his notorious insolence is Monsr. Bresley the Popish Priest of this River, who having for some time past endeavoured to withdraw the people from their dependence on H.M. Government by assuming to himself the authority of a Judge in civil affairs and employing his spiritual censures to force them to a submission, his insolence and tyranny growing at last insupportable I sent the Adjutant to him to his house which stands a little way from the fort to desire to speak wth. him, but his intellegence proved so good tho' no body was acquainted therewith but Major Cosby that before the Adjutant could reach his house he was gone off and has ever since absconded somewhere in the woods about this River among the Indians, pursuing his former practices of obstructing H.M. service and exciting the savages to mischief, to prevent which I thought proper by an order published at the Mass house to command him to be gone out of the Province in a month's time; The Sieur Mangeant (a French Gentn. whom I found at my arrival here under the protection of the Government and had taken the oaths to H.M.) I employed for to read the same to them in French, in the presence of the Fort Major Mr. Wroth and some other Gentlemen, which having done, as they were returning back to make me a report amongst a crowd of people they happend to meet Major Cosby ye Lieut. Govr. on the high way, who without any provocation insulted and abused the said Mangeant, who had no other way to avoid his fury which had like to have pushed him to committ the greatest violence but by retireing from him in haste. Major Cosby sent me immediately a complaint against the said Mangent alledging that he had affronted him by grinning or laughing in his face, whereupon I assembled the Officers and examined strictly the witnesses that were present when the disorder happened *etc.* (*v.* encl. i.) I found Mr. Cosby's allegations to be frivolous and groundless, and the true reason of the affront and insult to proceed from his resenting the service Mr. Mangeant had done H.M. by reading and publishing my orders to the people against their departing the Province without leave and against Mr. Breley the Popish Preist whose cause he avowedly espouses merely in oppossition to me, which has carried him such lengths that its impossible H.M. service can be advanced or promoted while he remains in the station he is in and this Province at last must be rent and torn by partys and factions. He has tampered with the Officers to join with him to wrest my authority and command of the troops from me of wch. I sent proofs last summer to H.M. Secretary at Warr, and could send now other proofs that he persists in the same resolution if the moderation of the Officers in refusing to join with him in any mutiny did not discourage his attempts. I beg humbly to apply myself to your Lordships for Justice *etc.* *Continues*:—I hope your Lordships will represent to H.M. the inconveniencys that must always attend this province by the separating the two Commissions of Lieut. Governour of the Province and Lieut. Govr. of the Fort, for if Major Cosby's pretensions are just and that he absolutely commands the Garrison, he must likewise command the troops by which means the Lieut. Govr. of the Province notwithstanding the Broad Seal Commission's devolving upon him can have only a precarious power depending upon another since it's certain that H.M. besides the troops has not three Protestant subjects settled in the Province, whereas the French Papists increase are very numerous and are only to be awed and governed by the troops and are to a man disaffected. The next thing I am to observe is the conduct of the Collector whose contempt and disrespect to the Government is notorious for on his arrival here with Major Cosby in the fall of the year 1727 notwithstanding the trade to Mines at that time was prohibited by and with the advice of H.M. Council, he gave permitts to several vessells to load and unload there in defyance of H.M. authority vested in the Governour and Council. Last summer he seized 2 fishing vessells at Canso *etc.* (*v.* encl. ii). *Continues*:—Your Lordships may observe that he makes no other charge against the schooner but for illegally importing tobacco, by which I suppose he must mean that the master had shipp'd it on board before he had given in bond according to law. I am afraid the Collector has been a little too rigid since I can't see that the Master designed any fraud New England tobacco paying no duty here outwards or inwards and the Collectors often give bills of store for greater quantitys and its certain he might have obliged said schooner to have given in bond to the Commanding Officer at Canso which is often the first place these coasting New England fishermen touch at where they can meet with a proper Officer to take bonds for enumerated goods. As to the briganteen, all I have to say is only this that after the Collector had obtained an Order and pursuant thereunto had appraized the cargo instead of returning the same to claimer on paying the value according to the appraizemt. as has always been the custom here, he sold and disposed thereof to the highest bidder by publick vendue, which proceedings I can't think your Lordships will aprove of since their tendency must prove very prejudicial to H.M. intrest by discourageing a place of so much importance to the trade and wealth of Great Britain in its very infancy, but in this I can bear no blame since your Lordships may perceive that it was transacted in my absence and without my approbation as will appear by the sequel, for on his arrival here last fall in order to establish his arbitrary measures by acting under the very face of authority the same things he had done at Canso. The story in short is this after having seized some coarse kentings of a small value of a french inhabitant who had taken the oaths to the King he applyed to me for an order for an appraizemt. which I granted accordingly but in the mean time being informed that he designed to sell the goods as he had done at Canso and the claimer having applyed to me for justice that the Collector might not before a tryal at law take the goods and dispose of them as if they were condemned, I sent to ye appraizers and him to meet me at my house next morning. He sent me word that he would wait upon me, but instead of comeing next day he sent me a letter refuseing to come for a very false and frivolous reason, on my disapproving of his proceedings he writt me word that the goods should lye in the Custom House till he recd. orders from the Surveyor, with which answer I was satisfied, but instead of keeping to his word, on 25th Jan. he gave notice by writing he affixed to his door that on the 29th he designed to expose to sale to the highest bidder the aforesaid goods, this was done in so clandestine a manner that it did not come to my knowledge till the night before the sale, when the Frenchman the claimer presented me with a petition praying that I would put a stop to his proceedings until the Surveyors orders should come from Boston to whom he had applyed on the Collectors promise that the goods should lye in the Custom house till that time. Whereupon I sent him an order to keep the linnens in the Custom house till further advice and not to proceed in the sale as he proposed. But he was in such haste to show his contempt of the Government and to disobey my orders that he immediately putt up another paper at his door that the said sale should begin next day and sent me word accordingly though he could shew no law nor precedent for so doing. *Refers to encl.* iii *etc.* *Continues*:—The Collector's aim seems all along to depress H.M. Authority to dishonour the Governmt. and to raise things to a flame; he presumes in all things to act independent of me, which independency he has assurance to own and assert, yet whatever he may be as Collector in this affair he moves in another sphere, which properly belongs to a Court of Admiralty a thing much wanted in this country where seizures have lain for these 7 years undetermined by which the preceeding Governours as well as myself have been deprived of the encouragement given them by the Acts of Parliament, the Collector keeping the whole money in his own hands untill the seizure is condemned tho' in other cases he acts as if that power was vested in himself. I hope your Lordships will represent to H.M. the necessity there is of such a Courts being established in this Province, that a country naturally so well calculated for trade may not want whats absolutely necessary for the support and advancement of it, as the administration of justice is, which may protect H.M. subjects from the tyranny and oppression of covetous men and in the mean time I humbly beg your Lordships opinion and directions in this affair for if in anything I have err'd its rather in want of judgement than inclination since no man is more ambitious of serving H.M. *etc.* *Signed*, L. Armstrong. *Endorsed*, Recd. 20th Sept., 1729, Read 11th May, 1730. 10 *pp.* *Enclosed*,

789. i. Proceedings of a convention of officers, Fort Annapolis, 3rd March, 1729, upon Mr. Mangent's complaint against Lt. Governor Cosby (*v. preceding*). Evidence

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taken and prepared to be sent home *etc.* *Signed,* L. Armstrong. *Endorsed,* Recd. 20th Sept., 1729. 4½ *pp.*

789. ii. Papers relating to the seizure of the schooner *Dragon* for illegally importing tobacco *etc.* (*v. covering letter*), by order of Francis Cavally, Commander in Chief at Canso, July 23, 1728. *Endorsed as preceding. Copy.* 5 *pp.*

789. iii. Correspondence between H. C. Newton, Collector, and Lt. Governor Armstrong relating to the seizure of a chest of cambrics belonging to Mr. Lefonds suspected of illegal trading in the Cape Bretion (*v. covering letter.*) Annapolis Royal, 16th Nov., 1728—3rd Feb. 1729. *Same endorsement.* 10 *pp.*

789. iv. Ensign Wroth's resignation of his commission as Adjutant of Col. Richard Philipps Regiment, in favour of Lt. Otho. Hamilton, on account of the infirmity of his limbs. Annapolis Royal, 24th June, 1729. *Signed,* Robert Wroth. *Same endorsement.* 1 *p.* [*C.O.* 217, 5. *ff.* 146–150*v.*, 151*v.*, 153–158, 159*v.*–164*v.*, 165*v.*–166*v.*; *and* (*abstract of covering letter*) 217, 30. *pp.* 34, 35].

June 23.
Whitehall.

790. Duke of Newcastle to the Council of Trade and Plantations. I herewith transmit to your Lordps., by Her Majesty's command the copy of *enclosed* letter *etc.* Your Lordships will please to consider the proposal, and report your opinion thereupon as soon as conveniently may be *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd. 24th June, Read 1st July, 1729. 1 *p.* *Enclosed,*

790. i. Copy of Lord Londonderry's letter proposing settlement of Sta. Cruz *etc.* *v.* April 15. 3 *pp.* [*C.O.* 152, 17. *ff.* 75, 76–77, 78*v.*].

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791. Petty expenses of the Board of Trade, Lady day to Midsummer. (*v. Journal.*) 6 *pp.* [*C.O.* 388, 79. *Nos.* 44–47].

June 26.
Whitehall.

792. Duke of Newcastle to Governor Burnet. The late proceedings of the House of Representatives, in relation to the settling a fix'd salary on you as Governor of the Massachusets Bay, having undergone a thorough examination, and the report of the Lords of the Committee thereupon having received H.M. approbation in Council; I herewith transmit to you, by Her Majesty's command, the inclosed copy thereof, that you may be duly informed of what has past here upon that head, and that you may make such further use of it, as you shall judge most proper for H.M. service. You will observe, that the Agents for the Representatives have been duly heard, not only

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by the Lords Commissioners for Trade, but likewise by the Lords of the Committee, who are both of opinion, that the salary of £1000 sterling per annum ought to be settled on you during the whole time of yor. Government; and there is too much reason to think, that the main drift of the Assembly, in refusing to comply with what has been so frequently and so strongly recommended to them, is to throw off their dependance on the Crown; which proceeding can in no wise be justified by their Charter, and never will be allowed of by His Majesty. This obstinacy of theirs has produced the final determination of laying the whole matter before the Parliament, which had certainly been done this last Session, if it had not been prorogued before the report was made to Her Majesty; However, it will be delay'd no longer than till the first meeting of the Parliament in the winter, and if the further steps that shall be then taken in this affair, should not be so agreeable to the House of Representatives as they could wish, they must consider, that it is entirely owing to themselves. As to your particular, I am glad to find, that your conduct is so throughly justified and approved and that no consideration could prevail with you to give up this Article of your Instructions. *Signed,* Holles Newcastle. *Enclosed,*

792. i. Copy of H.M. Order in Council, 22nd May, 1729. [*C.O.* 324, 36. *pp.* 117–124; *and* (*copy of covering letter only endorsed,* Recd., Read 23rd Jan., 1730) 5, 871. *ff.* 9, 9*v.*; *and* (*without enclosure*) 5, 10. *No.* 21].

June 26.
Whitehall.

793. Draught of letter from Duke of Newcastle to Governor Burnet. *Private.* By my other letter, and the copy of the Order in Council inclosed in it, you will plainly see, it is the intention of the Crown, that the affair of settling a salary on you should be laid before the Parliament at their first meeting, as it undoubtedly will, unless the House of Representatives take care to prevent it in time by complying with what is expected of them. However it were to be wished the bringing things to that extremity might be avoided; and as it happens luckily for them, that they have so long an intervall of time to consider better of it, and to prevent any further ill consequences, perhaps they may be willing to improve this opportunity. And therefore I write this particular letter to you, by H.M. command, that you may endeavour to bring them to a better temper, and to make them sensible, that their laying hold of this occasion to comply with what is here thought so just and reasonable, will be the only means of recommending them to H.M. favour and protection, and of promoting the true interest of the Province; and that if they slip this opportunity, it will be too late for them to expect any other. You will observe that tho' you were by your former instructions to insist on the salary being settled not only on yourself, but likewise on all future Governors, you are now left at liberty to accept it for yourself only, provided it be settled during the whole time of your Government ; wherefore since the Crown has thought fit to recede in this particular, their refusing to comply with what is now proposed, will be the more inexcusable. Her Majesty depends upon your skill and prudence in making a proper use of these hints, in order to dispose the Assembly to pay a due obedience to H.M. commands ; but whatever you do of that kind, is to come as from yourself in your private capacity, and not to let it look like any new overture to them on the part of the Crown, as if it were not really intended to lay the matter before the Parliament. But in case of a voluntary compliance on their part in the first place, and that it be done in due time before the meeting of the Parliament, you may then let them know that you will represent it as a mark of their duty to H.M., and use your best endeavours, that a stop may be put to any Parliamentary enquiry. 3½ *pp.* [*C.O.* 5, 10. *No.* 19.]

June 26. **794.** Copy of 30th Article of Governor Burnet's Instructions relating to salary. [*C.O.* 5, 10. *No.* 20.]

June 27. Virginia. **795.** William Byrd to the Council of Trade and Plantations. On the proceedings and payment of the Commissioners for settling the boundary between Virginia and Carolina. *Printed,* N.C. Col. Rec. III. 20. *Signed,* W. Byrd. *Endorsed,* Recd. 4th, Read 6th Oct., 1729. *Holograph.* 4 *pp.* *Enclosed,*

795. i. Journal of the Commission for settling the bounds between Virginia and Carolina. *Endorsed,* Recd. 4th Oct., 1729. 9⅓ *and* 21⅓ *pp.* [*C.O.* 5, 1322. *ff.* 30–31*v.*, 32*v.*–37*v.*, 39–49*v.*, 50*v.*]

June 29. Virginia, Wmsburgh. **796.** Lt. Governor Gooch to the Council of Trade and Plantations. I have not had the honour of any commands from your Lordships by any of the ships come hither this year *etc.* *Encloses* duplicate of last letter and public papers then sent, and also Journals of Council to 12th inst. and accounts of Revenue *etc.* and Naval Officer's returns. *Continues :* Some time after my last a number of negroes, about fiftenn, belonging to a new plantation, on the head of James River formed a design to withdraw from their master and to fix themselves in the fastnesses of the neighbouring mountains : they had found means to get into their possession some arms and ammunition, and they took along with them some provisions, their cloaths, bedding and working tools ; but the Gentleman to whom they belonged with a party of men made such diligent pursuit after them, that he soon found them out in their new settlement, a very obscure place among the mountains, where they had already begun to clear the ground, and obliged them after exchanging a shot or two by which one of the slaves was wounded, to surrender and return back, and so prevented for this time a design which might have proved as dangerous to this country, as is that of the negroes in the mountains of Jamaica to the inhabitants of that island. Tho' this attempt has happily been defeated, it ought nevertheless to awaken us into some effectual measures for preventing the like hereafter, it being certain that a very small number of negroes once settled in those parts, would very soon be encreas'd by the accession of other runaways and prove dangerous neighbours to our frontier inhabitants. To prevent this and many other mischiefs I am training and exercising the Militia in the several counties as the best means to deter our slaves from endeavouring to make their escape, and to suppress them if they should; and as the establishment I made of an Adjutant to discipline the Militia is much to the satisfaction of the people, and like to prove very useful towards their safety and defence, I doubt not your Lordships will approve of that part of my conduct, for it is to this new regulation of the Militia, and the good disposition of the Officers I have now appointed to instruct those under their command in the exercise of arms that we owe the present peace with our Tributary Indians; who sometime before were become very turbulent and ungovernable, but are now so submissive, how long that temper will continue I can't say, that one of the great men of the Saponie Nation having killed an Englishman, tho' the murder was committed when he was drunk, which they look upon as a just excuse, because, as they say, a man is not accountable for what he did while he is deprived of his reason, yet they readily delivered him up to justice upon my first message, and he has been since tryed and executed without any sign of resentment from that Nation altho' he was in much esteem among them. I had ordered some of the Nation to be at the tryal, who did attend and by an Interpreter were made to understand that the proceedings in the Court against him were the same as in the like case they would be against a white man, and indeed so it hap'ned, that there was one tryed and executed with him. The eagerness of the inhabitants to take up lands amongst the great western mountains, has renewed a contest, which for a long time had layn dormant, touching the right of granting the lands on the head of Rappahanock River, the Proprietor of the Northern Neck claims the same by virtue of his grant; and I find former Governours made no scruple to sign patents for lands as far as the most northern branch of Rappahanock river. But *etc.* agreable to the directions of your Lordships' letter of 26th March, 1707, *etc.*, I have absolutely refused the suspension of granting of patents, notwithstanding the remonstrances of the Proprietor's Agent; but proposed that the case should be fairly stated and determined according to the

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genuine construction of the Proprietor's Charter, which it's agreed shall be prepared and transmitted to your Lordships for that purpose. In the meanwhile, to give your Lordships a clearer idea of the lands in controversy, I herewith send a sketch of that part of the country which lies near and amongst the mountains, watered by streams which fal into the Rivers Rappahanock and Potomack, and which are insisted on to be within the Northern Neck grant as head springs of those two rivers. The draught is not offered to your Lordships as accurately done. But by it your Lordships may please to observe that the River Rappahanock, which from the Bay of Chesapeak is navigable to the Falls, is about tenn miles above the Falls divided into two branches, and those again about 30 miles upwards divided into other branches, and so the nearer they approach the mountains into other lesser streams, so that it is scarce possible to distinguish which of them ought to bear the name of a river. Here it is that the lands now in dispute ly. But as the last grant made in 1688 to the Lord Culpeper, which is the most extensive, describes the "territory to be bounded by and within the first heads or springs of the rivers Rappahanock and Potomack, the courses of the said rivers from the said first heads or springs as they are commonly called and known by the inhabitants and descriptions of those parts," it seems a doubt whether the Proprietor can claim any farther upon these rivers than what was called Rappahanock and Potomack rivers at the time of the grant; and that was only as far as they are navigable, for above that there was then no inhabitant: or, at most, whether the grant shall extend any further than the River Rappahanock continues one entire stream. For since the river is formed by the confluence of two lesser ones not discovered till long after the Proprietor's Charter, and those of such equal bigness as to render it doubtful which of them deserves the name of Rappahanock river; and since there cannot be two rivers of the same name, and as neither of them is described in the grant, with submission to your Lordships, it seems to me the most natural construction of that charter, to fix its limits at the confluence of these two rivers, where Rappahanock is first formed, and from thence runs in one continued stream into the Bay of Chesapeak. And as Potomack river is the boundary between the province of Maryland and the Northern Neck, and the first fountain of that river laid down in the Charter of the former, and the first head or spring thereof as the boundary of both to the westward; I must still presume to say, that wherever the Proprietors of Maryland and of the Northern Neck agree to fix the first fountain or spring of Potomack river, a line drawn from thence to Rappanock river must terminate the Northern Neck patent; and then all the lands lying westward of that remains still in the power of the Crown to grant. But if on the other hand all the lands which ly on any of those rivulets or brooks which fall into Rappahanock or Potomac rivers be allowed to belong to the Proprietor of the Northern Neck as his Agent pretends, the King will then have very little more land to dispose of in Virginia. For your Lordships may please to observe by the inclosed draught that one of the branches of Potomack river which is now known by the name of the river Shenundo, runs thro' and paralel with the great ridge of mountains, and is said to have its source near Roanoke river; so that almost the tract now call'd Virginia is encompass'd and bounded to the westward by that river, and the Proprietor instead of being circumscribed by and within the Head of Rappahanock, will extend his bounds upwards of 60 miles to the southward of it, which can never be imagined, I think, to have been the intention of the Crown, nor agreable to the words of the Charter. Seeing therefore my Lords it is of importance to H.M. with respect to his revenue of quit-rents, and of no small concern to the people of Virginia, who are very averse to the taking up of lands under a Proprietor *etc.*, *requests* their directions, before the matter comes to be stated between him and the Proprietor's Agent *etc.* *Continues:* As the Journal of Council and Proclamation herewith sent mention the dreadful apprehensions this Colony again lay under from the caterpillars; it is fit I should now inform your Lordships, that by the peculiar favour of Heaven that danger is now over without any other consequence than the destruction of some orchards and timber. I forgot in my last among the allowances for the gentlemen employed in running the boundaries to mention that of a Chaplain whom I appointed to attend that service, and who deserves H.M. consideration, when the payment of that work shall be ordered. It was very necessary a clergyman should be sent out with such a number, when they were to pass through a country where they could not have the opportunity of attending the publick worship; and the report that Gentleman made to me sufficiently proves how well he answered my purpose in sending of him; for he christened above an hundred children, a great many adult persons, and preached to congregations who have never had publick worship since their first settlement in those parts; such is the unhappy state of those poor inhabitants who possess the borders of our neighbouring Province, in which there is not one Minister. *Encloses* list of military officers, and as soon as the several troops and companies are adjusted, will send lists of them *etc.* *Continues:*—As the state of the tobacco trade calls for a speedy remedy, as well to prevent an apparent loss to H.M. revenue, as a great blow to the manufactures of Great Britain, if the planters discouraged from making tobacco by the lowness of the price, should be driven to the necessity of laying that aside, and should provide themselves with their own cloathing from the materials this country affords. What follows is part of a letter I have sent by this conveyance to the Duke of Newcastle *etc.* It is evident that the duty have been and is a strong temptation to many to contrive all possible ways of defrauding the Crown by running the tobacco in Great Brittain : and the success they have had therein, has likewise given occasion to the buying up all the mean and trash tobacco, purchased here by agents and sailors who well know how to dispose of it without paying any duty. And this sort of traffique has encouraged the planters to cure a great deal or all of their trash, which otherwise must have been thrown away ; Thus is the market for the good tobacco damp'd by the fraudulent importation of the bad, and the fair trader and honest and industrious planter greatly discouraged. I have taken some pains to find out a remedy for this great evill, and to that purpose have consulted divers of the principal inhabitants of this Province as well merchants as others, and find it generally agreed that the only effectual means to prevent the abuse which long since crept into this trade, will be to bring all the tobacco under a strict examination by sworn Officers, before it be allow'd to be ship'd of for Great Brittain ; that all that is found bad be destroy'd, and none exported but what is really good and merchantable, and that an account of the true weight of every hogshead or cask shall be transmitted to the Commissioners of H.M. Customs, by which the fraudulent practice of breaking open of hogsheads and ruining of the tobacco may be more easily detected and prevented. I now send to your Lordships also the heads of what I propose for the improvement of the tobacco trade, hoping that when your Lordships have consider'd them, they may be approved and immediately put in practice, either by obtaining H.M. letters mandating to the Governors of Virginia and Maryland to pass them into laws, or, which would be much more efficacious, an Act of Parliament to put all the tobacco made in the Plantations under the regulation therein proposed ; for it must be confess'd that though the judicious and honest part of the people here are well inclined to these measures, there are too many of a different character, who are ready to oppose everything that is not suited to their narrow conceptions and private views. If these proposals are thought by your Lordships to deserve encouragement and to pass in the Parliament there is one thing not mentioned that must be provided for, and that is, the nomination of the officers to inspect the tobacco, who must be men of character and understanding in that commodity, which may be left, unless your Lordships shall order otherwise, to the appointment of the Governours, who must also ascertain their sallarys in proportion to their trouble ; for some places where storehouses must be built, will have much more tobacco brought to them than others. What I have to add I hope will not be unacceptable, since 'tis to inform your Lordships that upon the bruit of many wonderful cures performed by a negro slave in the most inveterate venerial distempers, I thought it might be of use to mankind, if by any fair method I could prevail upon him to discover to me the means by which such cures were effected, which the negro had for many years practiced in this country, but kept as a most profound secrett; as the fellow is very old, my endeavours were quicken'd, lest the secrett should dye with him: therefore I immediately sent for him, and by good words and a promise of setting him free, he has made an ample discovery of the whole, which is no other than a decoction of the root and barks I have sent over to a phisitian, that the Colledge may have the oppertunity of making an experiment what effect it will have in England; and I flatter myself, by the ingenuity of the learned in that profession, it may be reduced into a better draught than he makes of it, which they tell me is nauseous enough. The difference of climate may probably cause a difference in its operation; but there is no room to doubt of its being a certain remedy here, and of singular use among the negroes who are frequently tainted with that disease (for I made a tryal of the things by the hands of a surgeon here, before I purchased his freedom, the whole charge of which costs the Government about £60 ster.) and is well worth the price that has been paid for it, since we know how to cure slaves without the help of mercury, who were often ruined by the unskilfulness of the practitioners this country affords. At the worst my Lords I hope it will be deemed a laudable attempt, and be an encouragement for one of Dr. Ratcliffe's travelling Phisitians to take a tour into this part of the world, where there are many valuable discoveries to be made, not to be mett with in France or Italy. It is so long since we received any advices from England, and those of the latest date speaking with great uncertainty as to peace or war, I thought it absolutely necessary to lay an embargo to the end of this moneth: this may possibly raise a clamour, especially if things are quiett, among those merchants whose shipps were ready to sayle sooner; But I did it my Lords to give an oppertunity to the most valuable ships to form a fleet for their greater security and not doubting but by that time in case of a war, convoys would be order'd for them; But H.M.S. the *Ludlow Castle* is oppertunely arrived here, and intends to accompany them in their passage home. And it happened very luckily that this embargo was laid in time, since we have been alarmed by a Spanish privateer's being upon the coast *etc.* *Quotes* deposition to that effect by John Pitts, master of the sloop *Dolphin* of Bermuda, who was chased and fired on by what he believed to be a Spanish privateer off Cape Charles on 8th June. P.S. The military list I could

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not get compleated for this conveyance. *Signed,* William Gooch. *Endorsed,* Recd. 28th Aug., Read 2nd Sept., 1729. 5 *pp.* *Enclosed,*

796. i. Account of H.M. Revenue of Quit-rents, 25th April, 1728–1729. *Totals:* To balance of last account, £5107 0*s.* 9¾*d.* Disbursements, £1110. *Receipts:*—£2233 17*s.* 3*d.*, less £223 7*s.* 8½*d.*, allowances of Auditor and Receiver General. *Signed,* John Grymes, Recr. General, John Blair, Dy. Audr., William Gooch. *Endorsed,* Recd. 28th Aug., 1729. 4 *pp.*

796. ii. Account of H.M. Revenue of 2/*s.* per hhd., on 25th Oct., 1728, and from 25th Oct. 1728—25th April, 1729. *Receipts:*—£4569 10*s.* 11¾*d.*, including balance of £3614 18*s.* 1*d.* *Signed and endorsed as preceding.*

796. iii. Proclamations by Lt. Governor Gooch (a) Permitting the exportation of wheat and flower, in view of "the present happy prospect of a plentifull crop of Indian corn and other grains" *etc.* Williamsburgh, 20th Sept., 1728; *and* (*b*) continuing the same permission, 2nd Nov., 1728. (*c*) Proroguing the General Assembly to 15th May, 1729. 24th Oct., 1728. (*d*) for a day of fasting and humiliation on account of the plague of caterpillars. 1st April, 1729. Proroguing the General Assembly to 20th Nov. 19th April, 1729. (*f*) Publishing H.M. Proclamation continuing Officers until his pleasure be further known. 14th Dec., 1728. *Signed,* William Gooch. *Endorsed,* Recd. 28th Aug., 1729. *Copies.* 5 *pp.*

796. iv. Lt. Governor Gooch's Proposals for the more effectual improving the staple of tobacco in Virginia, and for preventing frauds therein. *Endorsed as preceding.* 3 *closely written pp.*

796. v. Naval Officer's account of imports from Madera and the Azores into York River, for half-year ending Lady day, 1729. One cargo of 70 pipes of Madera wine. None into any other river. *Signed,* Wil. Robertson, Nl. Offr. *Same endorsement.* ½ *p.* [*C.O.* 5, 1322. *ff.* 10–12*v.*, 13*v.*–16, 17*v.*–19*v.*, 20*v.*–26*v.*; *and* (*abstract*) 93.]

June 29.
Virginia,
Wmsburgh.

797. Lt. Governor Gooch to the Duke of Newcastle. Statements on the tobacco trade and the negro's cure for venereal diseases as in above letter. *Recommends* for H.M. compassion a girl of 16 convicted of killing her bastard child, no evidence appearing of violence, "but by the circumstances she had been brought to bed privately before the expected time of her delivery, so that the Council who were her Judges represented her as a fit object for H.M. mercy. The other is one Andrew Bourne an overseer of a Plantation who having under his charge a negro slave that had frequently run away, was so transported with anger upon his being last brought home, that he gave him such immoderate correction that the fellow dyed under it, and for which the Jury found him guilty of murder. But the same Judges sett on this tryall, and are very earnest to have his life spared, not only because it did not appear that he had any intention to kill the negro, but in regard the executing of him for this offence may make the slaves very insolent, and give them an occasion to contemn their masters and overseers, which may be of dangerous consequence in a country where the negroes are so numerous and make the most valuable part of people's estates. And on these considerations it is that I take the liberty to apply to your Grace on this man's behalf" *etc. Signed,* William Gooch. 2 large *pp. Enclosed,*

797. i, ii. Duplicates of encl. iii, iv. *preceding.* [*C.O.* 5, 1337. *ff.* 132, 132*v.*, 134–137*v.*]

June 30. New York. **798.** Governor Montgomerie to the Duke of Newcastle. The Assembly of New York being now sitting, will send an account of their proceedings when the Session is ended *etc. Continues :*—The behaviour of Lewis Morris has been so unaccountable, and so very extravagant, that I have been obliged by the advice of the Council, to suspend him from his seat at the Board, till H.M. pleasure be known *etc. Asks for* confirmation, and the appointment of Philip Courtland, an eminent merchant, as Councillor in his place *etc. Refers to enclosure. Signed,* J. Montgomerie. *Holograph.* 2½ *pp. Enclosed,*

798. i–vii. Duplicates of *letter and enclosures following.* [*C.O.* 5, 1093. *ff.* 18–19, 20–24*v.*, 28–30*v.*, 33–39, 40, 40*v.*, 42, 42*v.*, 44, 44*v.*]

June 30. New York. **799.** Governor Montgomerie to the Council of Trade and Plantations. *Abstract. Has not yet* received accounts of paper money, but will send them by the next ship. *Repeats preceding. Continues :*—I am so particularly reflected upon by Mr. Morris, that although the Council has done me all the justice I can desire, I cannot be easy till I satisfye H.M. by your Lordships, that I have acted according to my Instructions, the constant practice of former Governours, and for the good and advantage of the Province. *Refers to* Minutes of Council and *sketches past history* of the Revenue of New York, *concluding with* the annoyance of the Assembly at Governor Burnet's not paying officers' salaries in strict accordance with the appropriations therefor voted in their Revenue Bill of 1726. *Continues :*—These draughts sowred the Assembly, and made them look back on their former sufferings, from the mismanagement of the Revenue, whereby the country was involved in debt, and think of a

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remedy against the like evil before they gave any other revenue. Such was the disposition of the people when I arrived here, and I was not a little perplexed how to quiet their fears, reconcile them to their duty, and at the same time to preserve entire the power given to me by H.M. of applying and issuing the Revenue with advice of the Council. Yet at length I had the good fortune to surmount those difficulties: I gained the Assemblies confidence without ever giving them any assurance, that I would comply with the applycation of the Revenue mentioned in their votes. They entered chearfully on the support of the Government, but in some particulars they lessened it from what it was before; (*details given*), passing the Revenue Bill for five years *etc.* *Describes method* practised by Governors of drawing warrants for officers' salaries on the Revenue, and how he himself reduced some of these salaries in proportion to the reduced amount of the Revenue voted, "for on that in a great measure will the continuance of it hereafter depend, besides I thought that a people who were willing (as I found them here) to support the King's Government, ought as little as possible to be loaded with debt, which in time, if an ill example be again introduced, may reduce them to great extremities and involve the Government in insuperable difficulties." *Continues*:—To prevent my being mistaken in an affair of so great consequence, I carefully informed myself of the services of the respective officers, and from thence proportioned the rewards which I thought they deserved. I found in general that their usual allowances were no more than what ought to be, but in particular instances, I was fully perswaded that some appointments were too large, and others wholly unnecessary; and that without some deductions, the revenue granted would not answer the support of the Government. The Chief Justice's salary, which formerly was but £130 a year, I found at once encreased to 300 *etc.* The avowed reason is, that from thence forward he was to go the circuits regularly every year, but as I am informed the true one was that the Chief Justice being a Member of the Assembly in 1715, when the Revenue was given, his salary was augmented by the great number of friends he had then in the House, and for the services he did there. For as to his going the circuits, former Chief Justices on the salary of 130 pounds a year, have gone into the country when causes have been to be tryed there, and this is as much as the present Chief Justice has usually done especially of late years. This the people have often complained of since I arrived, so I thought, that since the service for which the salary was said to be augmented, has not been regularly attended, I might and ought to strike off £50 a year from it, that the Revenue may answer the paying other officers, who have but a bare allowance for their services. The second Judge is a man wholly incapable of that office, quite wore out by age and other infirmities, not in a condition to be trusted even with opening or adjourning the Court, so that I have been obliged in the time when the meazles raged lately in Town, at the request of the Chief Justice, who was unwilling to come to town himself, to adjourn the Supream Court twice by writ. This is an office that many Gentlemen of estates would execute without any salary. But Mr. Walters the present second Judge, being the first of H.M. Council here, I am unwilling to displace him from the Bench, yet I cannot think of loading the Revenue with a salary to so useless an Officer. The Clerk of the Circuits had a salary of £60 a year given him in 1715, *etc.* in expectation that the circuits would be duly attended, but that service having been neglected *etc.* I have thought it convenient to drop his salary. By these savings I am hopeful that I shall be able to make the present Revenue answer the expence of the Government, but if I should overload it, I assure your Lordships that the inconveniencies that may insue will be difficult, if not impossible for me or any person the King employs here to surmount *etc.* *Describes how,* when about to sign in Council the warrant for the Chief Justice's reduced salary, his son, Lewis Morris junr., objected. *Continues* :—So I put the question to the Board, whether they would advise me to sign that warrant as it was read; and they advised me to sign it, which I accordingly did, as likewise all the warrants for that quarter without any further objections. This upon the stricktest search and enquiry I think its the first instance of the Council's advice being particularly askt about the Governour's signing salary warrants, and their advice being thus given, I was in hopes I should have heard no more of it. But on 13th June, Mr. Morris having read in his place at the Board a paper (*enclosed*), the Council then present desiring Mr. Morris might withdraw, took that paper into consideration, and having duly weighed and considered it, came to the resolutions (*enclosed*). This had not the effect hoped for in puting a stop to Mr. Morris's invectives, for on 26th June, he read at the Board another paper (*enclosed*); whereupon the Council came to the resolutions (*enclosed*), and by the advice of the Council mentioned in the last paper, I suspended him from his seat at the Board, till H.M. pleasure be known *etc.* The reflections thrown on me, the Council and the whole Legislature, are so conspicuous and so unjust, that I believe they will not escape H.M. and your Lordship's censor *etc.* *Set out,* N.Y. Col. Docs. V. *pp.* 877–882. *Signed,* J. Montgomerie. *Endorsed,* Recd. 27th Aug., Read 17th Dec., 1729. 11½ *pp.* *Enclosed,*

799. i. Reasons offered by Lewis Morris, junr., against the drawing and signing warrants without the previous advice and consent of the Council *etc.*, and against the warrant for the reduced salary of the Chief Justice

etc. *Abstract.* Such practice is contrary to the King's Instructions and the Revenue Act of Assembly. The salary of the C.J. has been fixed at £300 per ann. for about 14 years past, and the reduction of the salary of any officer without his having done anything to deserve such treatment is contrary to the principles of equity and H.M. justice. This warrant is drawn (without the advice and consent of H.M. Council) pursuant to the votes and resolutions of the Representatives, who have taken upon themselves a power of dispensing with the laws, and after having passed an act for the support of H.M. Government here, by which the money to be raised by it was given to H.M. and to be disposed of by warrants by the Governour by and with the advice and consent of H.M. Councill here, did notwithstanding presume by their resolves of 7th Oct. 1726 to tell the Governour that no other or higher warrants should be issued in Council then those exprest in their resolutions, and in their resolutions of 30th July, 1728 say that for any act matter or thing done in General Assembly the members thereof are accountable and answerable to the house only and to no other person or persons whatsoever, and in their resolves of 10th Aug. following direct what shall be paid for the salaries of the severall officers of the government here the appointment of which I take to be solely in the governour by and with the advice of his Councill here and the complying with the Assembly in this case is makeing all the officers of the government dependent upon them which is against H.M. interest and derogatory from his royall and just prerogatives. The above resolutions of the Assembly compared with the conduct of some Assemblys in H.M. American Dominions too evidently shows with what views those resolutions are made and of what dangerous consequence to H.M. interest and prerogatives in his American dominions the giving them so great an encouragement to persist in their exorbitant demands and encroachments on the royal prerogative as the drawing the sallary warrants according to their resolves will be so that I think it inconsistent with my duty and allegiance to consent to the lessening or altering any of the sallaries of the officers of the government in complyance with their resolves or the doing anything that shall render the said officers precarious or dependent upon the Assembly, and therefore I protest against the doing of it. *Signed,* Lewis Morris junr. *Endorsed,* Recd. Aug. 27, 1729. 3¼ *pp.*

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799. ii. Minutes of Council of New York, June 13, 1729. *Same endorsement. Copy.* 2¾ *pp.*

799. iii. Mr. Morris to Governor Montgomerie. A Vindication of his protest (No. i). *Same endorsement.* 11¾ *pp.*

799. iv–vi. Minutes of Council of New York. June 26, April 10, June 12, 1729. *Copy. Same endorsement. The whole,* 6 *pp.* [*C.O.* 5, 1055. *ff.* 58–64, 65*v.*–69*v.*, 71–76*v.*, 77*v.*–78*v.*, 79*v.*–81*v.*, 83*v.*]

June 30. New York. **800.** Governor Montgomerie to [? *Charles Delafaye*]. *Abstract. Returns thanks* for letter of 23rd April recd. by Capt. Riggs, and particularly for having prevented one of the Companies doing duty here being sent to the Bahama Islands. *Refers to* the extravagant and unaccountable behaviour of Lewis Morris *etc.* (*v. No.* 799), and begs him to do what he can to get his suspension from the Council confirmed, and that Philip Courtland may be appointed in his place. *Signed,* J. Montgomerie. *Endorsed,* R. Aug. 28. *Holograph.* 3 *pp.* [*C.O.* 5, 1093. *ff.* 26–27*v.*]

July 1. Kensington. **801.** Copy of Governor Philipps' Instructions. [*C.O.* 5, 194. *ff.* 434–489.]

July 1. Barbados. **802.** Mr. Freelove to [? *Mr. Wood*]. Having for several years been conversant among the Caribbee Islands *etc.*, I begg leave to observe, what sanguine hopes the merchants in these parts conceived from the Duke of Montagu's undertaking to settle an English Colony upon St. Lucy *etc.* Wee apprehended that such an additional strength (whose interest and allegiance must have been the same with ours) might at least have ballanced the power of a potent neighbour: and put a stop to the frequent interruptions which they give to our trade. But those hopes soon vanished upon the fatal miscarriage of that noble enterprize; for when we found that the Martinecans had obliged H.M. subjects to quitt that island; we feared and foresaw that they designed to settle it for themselves: and the event has shewn that our fears were but too well grounded; for ever since that time, they have been clandestinely stealing settlements upon that island: and have increased them to that degree as I am credibly informed (by a Gentleman in H.M. service) that in May last (when he was there) they had upwards of 3000 French inhabitants upon that island; and more daily coming from Martineco; besides their negroe slaves, which must be very numerous to clear away the woods, and settle plantations for so many inhabitants; since we reckon that we have above five blacks to one white person upon our island, which has many years been all clear'd, and the necessary works fixt. This may be sufficient to convince his Grace how necessary it is to his own interest, as well as

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the publick good, to assert his right to that island, before it is too late; and whatever views may prevent his prosecuting of the settling of it at present; yet surely some care ought to be taken to get the French recall'd from thence before they become more formidable. For whatever you in Europe may think of the matter, the most experienced among us, are under the strongest apprehensions that not only own trade, but settlements may be in danger from their growing power *etc.*, for *etc.* they are also forming settlements upon H.M. islands of St. Vincent and Dominica; where they have lately denyed the English subjects the liberty of getting wood and water, as can be well attested by some officers of H.M. Navy *etc.* *Submits this* to the consideration of the Ministry *etc.*, and their defenceless state from the ruinous condition of the fortifications *etc.* *Suggests that* the French King be induced to recall his subjects from the British islands, or, even preferably, that H.M. subjects be permitted to fortify "some one or more of those uncultivated islands which laye best for protecting the whole West India trade, not only from Guiney to our Colonies, but also the South Sea Company's ships which goe to the Spanish coast, to which islands H.M. has a most indisputable right exclusive of all others. This latter method is preferred by the wisest heads amongst us, for they have had many years experience of the temper (and they say treachery too) of our neighbours" *etc.* *Signed,* Fran. Freelove. *Endorsed,* Recd. 3rd, Read 9th Dec. 1729. 3 *pp.* [*C.O.* 28, 21. *ff.* 20–21*v.*]

July 1. Kensington. **803.** H.M. Warrant (by Queen Caroline, Guardian of the Realm etc.) appointing William Leslie to the Council of Barbados, in the room of Richard Lightfoot, who is gone off the Island. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 124.]

July 1. Kensington. **804.** H.M. Warrant, *as preceding,* appointing Edward Charleton to the Council of Jamaica, in the room of John Ayscough, who has left the Island to settle in England *etc.* *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 125.]

July 1. Kensington. **805.** H.M. Warrant (by Queen Caroline) appointing Tho. Davers to be of the Council of Barbados in the room of Francis Bond decd. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *p.* 155.]

July 1. Whitehall. **806.** Mr. Popple to John Scrope, Secretary of the Treasury. Requests order to H.M. Printers for 100 copies of the Act for *better preservation of H.M. woods,* in order to be sent to the Governors and offices in the Plantations, and for another 100 copies of Acts of Trade and Navigation (specified), those supplied in 1702 having been all sent *etc.* [*C.O.* 324, 11. *pp.* 145–151.]

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July 2.
Virginia,
Wmsburgh.

807. Order of Committee of Privy Council. Referring to the Council of Trade and Plantations for their report a letter from Mr. Middleton and a letter from the Council of S. Carolina, with two representations by the latter containing complaints against the Assembly, which were referred to the Committee 22nd May last. *Signed,* Edward Southwell. *Endorsed,* Recd., 7th, Read 8th July, 1729. 1 *p.* *Enclosed,*

807. i. President Middleton to the Duke of Newcastle. *Refers to* letter of 24th June, 1727 to Govr. Nicholson, which at his request was laid before his Grace. *Continues:* But I do not find that H.E. sollicited that matter with any warmth, for reasons best known to himself, or that anything since before or after H.E.'s death hath been done thereupon, nor any public censure of the Government at home on account of those riotous proceedings, the want of which hath extremely weakened the hands of the Government here; For these people finding that notwithstanding the like severall representations made against them no notice hath been taken thereof, have run into all manner of licentiousness and things are now grown to that heighth, that the Assemblys have broke up and dispersed themselves without leave, in contempt of the royall authority, and a new one being called to meet in Sept. last, the majority of them wholly neglected to meet me and H.M. Councill in Assembly to consult and advise on the arduous affairs of the Province; have granted no supplys for the support of H.M. Government for 20 months past, and upwards, and abandoned all things to disorder and confusion, meerly with intent to distress this H.M. Government, to force us into a compliance with their unreasonable measures, and to oblige us to join with them in over setting all acts, orders and instructions whatsoever, that stand in the way of their currency. This has put H.M. Councill under an absolute necessity of representing all these affairs to the King's most excellent Majesty, by two severall representations which they have ordered to be delivered to your Grace by the hands of Mr. Stephen Godin of London merchant their Agent. I approve thereof and all the Council's proceedings in relation thereto *etc.* *Hopes that* suitable orders will be given to the new Governor. "We have no standing forces nor Treasury to apply to, upon the most emergent occasions" *etc.* *Hopes that* "Some means may be found out for punishing these disorderly people that are grown frantick with their own licentiousness, and fancy themselves out of the reach and power of the Govern-

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ment" *etc. Signed,* Ar. Middleton. *Endorsed as preceding. Copy.* 3 *pp.*

807. ii. Council of S. Carolina to the Duke of Newcastle. Charles Town Council Chamber. 19th Dec. 1728. The great disturbances that have happened in this province for these two years past and upwards, have at length put us under an absolute necessity of applying to His most sacred Majesty for some proper remedy *etc.* When things are grown to such heights that H.M. prerogative is openly trampled upon, H.M. Commander-in-Chief and his Councill insulted by Assemblys within doors, and by tumults without, we cannot any longer avoid acquainting the Government therewith *etc.* The late Assembly in Sept. last in manifest contempt of the Royall authority brake up without leave and separated themselves, so as not to meet again in order to avoid the raising of a publick tax, and a new one being duly summoned by H.M. writts, the majority of them, of set purpose, neglected to meet the President and Councill in Assembly to consult and advise with them upon the emergent affaires of this Province, so as the rest could not make a House to transact the publick business. Tis now twenty months and upwards, since they have granted any supplys to H.M. for the support of his Government. We daily expect the desertion of all our publick garrisons for want of pay, no provision being made for payment of the publick debts, and all things abandoned to disorder and confusion. The end of the several Assemblys in all this, is to put the fate of the whole Province at stake, on the President and Councill's refusall to break through all His late Majesty's Royall Orders and Instructions *etc.* and their own laws made in pursuance thereof, for the gradual reduction of their currency, and to reduce the President and Councill to the fatal dilemma, either of disobeying those orders, or letting the Province sink for want of those supplys *etc.* *Pray that* these proceedings may be laid before H.M. in Council; *and recommend* their Agent, Mr. Godin. Describe contents of their Representations. *Continue:* The end of the whole is to obtain from H.M. some proper orders for restraining these insolencys and exorbitances for the future, and above all things a particular instruction prohibiting all succeeding Governors absolutely to accept of any temporary gifts from the Assemblys *etc.* For this is the very bane of all our affairs, neither is there any one thing in the world that lessens the Royall prerogative so

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much in these parts, as the respective Governors ever more temporizing and giving way to the Assemblys, for the sake of these temporary gifts and presents. This Province (let the Assemblys be what they will) is very able to settle a fixed salary of £500 sterl. per ann. on a Governor, and the Governors and Officers fees are very shamefull at present, and ought to be augumented, at least double to what they now are. This allowance of £500 is what they gave Col. Moore and Governor Nicholson *etc.*, but they would not give it by way of salary, but by way of present, that is to say, if the Governor would not come into their measures, they would give him nothing at all, and what is equally as bad all the subordinate officers, vizt., the Chief Justice, the Secretary and his deputys, the Clerk of the Councill *etc.*, are made to depend for their support, on the precarious humours and a single vote of the Assembly, so that were it not for their singular integrity, the Governor would not be sure of one of his subordinate officers to be either diligent or faithfull to him in the execution of their trusts; As to the Attorney Generall, they have evermore refused to allow him any salary whatever, so that H.M. Governor and Council are oft times forced to court them to their duty and have little or nothing to reward them for their trouble, nor any revenue to apply to, for that or any other service, under the greatest emergency whatever, and 'tis against their interest to disoblige, where nothing is to be got, and of all officers the people have the least notion of supporting an officer of this kind, to whose prosecutions they so frequently subject themselves, for these reasons the hands of the Government are so much weakened, that they may be said to have an executive power, without a power to execute it *etc.* The Instruction to Governor Nicholson to insist on a salary, and not to take any presents after a salary so fixed, did not answer the end, for they would not affix any salary, because he had a latitude of accepting presents till a salary was fixed, so that all the moneys that was paid him by the Assembly's dureing his whole Government of four years, were nothing but presents, and those presents were always made him on passing the currency laws, or doe[*ing*] something else extraordinary to gratify them, and which laws their Excellencys the Lords Justices saw just reason to repeale *etc.* Recommend the Hon. Richard Allein, the present Chief Justice, for his capacity and loyalty *etc.* *Signed*, Ra. Isard, Wm. Bull, A. Skene, Benja.

Schenckingh, James Kinlock, Char. Hart, Benja. de la Conseillerc. *Endorsed as preceding. Copy.* 9 *pp.*

807. iii. *Same* to the King. *Regret* necessity of representing the present ill state of the Province, "occasioned by a restless sett of people, who seemed to have abandoned all rule for maintaining of civill order and society, all regard to publick faith, and totally neglected to make any provision for their own security, or to raise any supplies for the support and defence of your Majesty's Government, for twenty months past and upwards" *etc. Continues:* There is a sett of people who *etc.* have endeavoured to trample upon the Royall authority, in the person of your Majesty's Commander in Chief, and of your Councill, in the most egregious manner. Your Majesty's Commander in Chief and Councill for now two years past, have been ever and anon insulted by divers virulent resolves, invective messages, and unwarrantable proceedings of the Representatives of the people within doors, and by seditious remonstrances and declarations of tumults without doors, and for no other reason, but because we have refused to joyne with the Assemblys in passing of laws, diametrically opposite to his late Majesty's royall orders and instructions, highly prejudiciall to trade, and the property's of your Majesty's subjects, both in Great Britain and this Colony, and repugnant to the Act for adjusting the rates of foreign coins in these parts *etc.* For this cause, and this only, the late lower House of Assembly have in manifest contempt of your Royall authority, taken upon them to break up, without leave, and dispersed themselves so as not to meet again, and that without making any provision for the support or defence of this your Majesty's Government. Your Majesty's President and Commander-in-Chief having, by the advice of Your Majesty's Councill, dissolved this Assembly, for their high contempt offered to your Royall authority, and being under a necessity of calling another Assembly, to meet in September last, the majority of them have refused and neglected to meet your Majesty's President and Councill *etc.*, tho' duly summoned *etc.*, so as the rest could make no house to transact the publick business. By this method the payment of the publick debts is totally neglected, and we expect daily the desertion of all our publick garrisons for want of pay. *Pray* for an examination. *Signed as preceding,* "with my approbation, Ar. Middleton." 3¾ *pp.*

807. iv. Certificate by President Middleton as to the signing of *following* in his presence, 19th Dec., 1728, and of his approval thereof *etc.* *Signed,* Ar. Middleton. 1 *p.*

807. v. Representation of Council of S. Carolina to the King. *Recapitulate* history of the paper currency and consequent defrauding of creditors 1717 *ff.* " which has been the chief cause of all their disorders, owing to the restless endeavours of the people to break through all measures taken for reducing the currency from time to time." *Continue :*—The Governors and people have always been for promoting these bills and looked with an evil eye on the Council for opposing them. In Dec. 1726, when the Council refused to agree to their proposal to add £86,100 more to their currency, the Assembly refused to raise any tax though in great danger for want of defence, and raised riots. Thomas Smith was one of the chief rioters. He now declared that there was necessity for a bold stroke, and that some men, meaning the Council must be put into bodily fear *etc.* They formed themselves into conspiracy and associations to defend each other in refusing payment of taxes, and prepare a Representation to the President and Council containing insolent invectives and threats if they did not obtain reliefe *etc.* Upon discussing this Remonstrance their grievances will appear to be reduced to these two points, vizt. the Council insisting that the £15,000 therein-mentioned should be sunk according to the law founded on the Lords Justices Orders, and in so doing the Council is charged with a design of ruining the Province, the other, that the Council have obstructed the making a sufficient quantity of bills for the trade, as they call it, but in truth to pay their debts, wherefore the rioters resolve in the rebellious style of redressing themselves as God should enable them. The President by the advice of the Council issued a proclamation commanding them to disperse, to which they paid no regard. Whereupon Alexander Skene, one of H.M. Council, committed one of the chief rioters, being met with several others at Dorchester. Upon this they increased their multitudes, so that the President thought it necessary to goe in person, and after some reasoning and consenting to the release of Mr. Smith, they promised to disperse and burn their remonstrances. Nevertheless on 3rd May, 1727, they sent two of their chiefs, William Waities and John Jones, to deliver the above Representation, but the Council, knowing

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what it was, advised them not to offer any papers which that Board could not in honour receive and would be dangerous for them to present, upon this they promised to returne to their own houses, and in hopes there would be an end to these tumults, Smith was released. But in a few days they got together 250 men, who marched to the town on horseback, headed by William Drake, George Pawley, John Jones, William Waitie, Thomas Smith, Daniel Dunovant, Samuel Saunders and John Moore. The two first rode up to the Council Office and delivered the foregoing Representation very little amended with swords by their sides and pistolls under their arms to the President, to the great terrour and amazement of all the inhabitants. The President fearing to make an alarm or to seize them lest the people should destroy one another and the weakness of the Government be exposed in case he should fail, said he could give no answer without the advise of his Council *etc.* [*whereupon*] they departed from the town but continued their meetings and associations, and particularly on 5th July met at a place called Watboo about 30 miles from Charles Town, to the number of between 20 and 30, where the President sent one Col. Drake to demand the occasion of their meeting, they returned this insolent answer that they knew of no law against their meeting, that they met there for the good of the Province, and that the best way to prevent their meeting was to call an Assembly. Soon after they resolved on a generall meeting from all parts at Dry's Savanah about 22 miles from Charles Town and within two miles distant from the President's house, on which the President issued a new warrant against several of the Ringleaders likewise a Proclamation forbidding the said riotous meeting *etc.* Amidst these disorders Landgrave Thomas Smith the fifth in rank of your Majesty's Council sought an occasion of getting himself proclaimed President under pretence of being named one of the first of your Majesty's Council in the Commission for trying of pirates *etc.* The President having called the Council together in Charles Town he discovered two originall letters under Smith's own hand to Capt. John Croft in Charles Town, 8th and 10th June, 1727, informing him that the meeting at Dry Savanants was put off till Tuesday, because the time appointed was not sufficient to get a body of people, that he heard sudden news of the country's coming to town to make a revolution, what might be in time he could not tell but there were many people who were aggrieved in the country could not so soon get into a body, and desires to know who they are that indicated Middleton and his sham Counsellors *etc.* Upon this discovery the President caused Smith to be apprehended by the Town Constable assisted by some of Capt. Anson's men for high treason in endeavouring to raise an insurrection and levy warr against your Majesty and caused a generall alarm to be fired to discover the sentiments of the country, with orders for severall of the Companys to march to Charles Town to oppose such attempts which broke the meeting at Dry Savanah. But divers of the rioters who were to have met at Dry Savanah joyned themselves with the Goosecreek Company commanded by one Captain William Dry who had been ordered to march towards Charles Town in order to break that meeting and not from any service the Government expected of them most of them being concerned in that general meeting themselves. The Provost Marshall who had warrants for apprehending several rioters particularly one Jones, espyed him marching with the Company and demanded his assistance of the said Captain in your Majesty's name in apprehending him, but severall of the Company immediately surrounded him cocked their pistolls at him *etc.*; others assaulted and beat both him and his Deputy *etc.* Being halted about six miles distant from the town, they deputed Capt. Dry, Tobias Fitch and John Palmer who delivered severall insolent papers and declarations to the President in Council, saying they were ignorant of the Landgrave's intentions and believed it to be only an artfull amusement (meaning of the Governmt. themselves), and insinuating that the Province was at the brink of ruin from the grievances they laboured under signed by 98 *etc.* They declared their abhorrence of the manner of Smith's being apprehended (meaning that Capt. Anson's men were employed in assisting the Constables), and that they and the rest of the officers would lay down their commissions unless the Assembly was forthwith called and the people's grievances redressed. They said they were sent by the People and peremptorily required an immediate answer, and loudly and imperiously demanded satisfaction for the Provost Marshal's calling them rebels *etc.* Finding they could obtain nothing by force they abate of their stile and present another petition called the Petition of the Inhabitants tho' there was not above 60 hands to it, setting forth that they laboured under great difficulties

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and grievances from the irregularities of the Courts of Justice, the uncertain regulation of the currency, and that they were apprehensive that this year's tax would not be paid in on account of some mistakes about the tax and the uneasiness of the people on account of the ways and meanes taken in raising it. That they were afraid of a warr, and the ill state of the fortifications and the guardless condition of their frontiers put them under great apprehension *etc.* The President and Council being fully apprized that their whole designe *etc.* was to force the Government to fall into their measures about the currency, and that this petition had been sett on foot by several sed'tious persons for that end, they were no ways fond of calling an Assembly at this time, and the President thought it absolutely necessary to issue a Proclamation in vindication of the Council, who had been traduced for refusing to pass the laws sent up last Sessions for enlarging the currency *etc.* Whilst the people were actually under arms or before they had dispersed they, in defyance of all the Proclamations *etc.*, posted publick advertizemts. on the high roads to invite all others into their rebellious Associations and publickly appointed days and places of their intended meetings *etc.* The President thereupon sent their Coll. Jonathan Drake to dismiss the Company *etc.* Notwithstanding this, they continued in the high roads, hoisted flaggs, and at length went severall of them to the house of Joseph Fitch (brother of Tobias), there sett up a white flagg *etc.*, and held consultations for seizing two of the Council (Alexander Skene and Benjamin de la Consilier) by way of reprizall for Smith. Tobias Fitch offered to lead them *etc.*, so that Skene was forced to be conducted to his plantation by water by Capt. Anson's men *etc.* The merchants having represented to the President and Council that the calling an Assembly might quiet the uneasiness of the people *etc.*, and because they were daily under apprehension of a warr with Spain *etc.*, the Assembly was called for Aug. 1st, though the Government had little expectation from this Assembly the greatest part of which now openly favoured these tumults under pretence of supporting the subjects' right of petitioning. The Assembly meeting, on 2nd Aug. proceeded to pass several resolves highly reflecting on the President and Council *etc.*, insinuating as if they had denyed the people a right of petitioning, and censuring the last mentioned Proclamation, and roundly resolved (against all truth) that they had never proposed any bills at their former sessions contrary to H.M. royall orders and Instructions, altho' it appeared by their own Journalls that on 15th Dec., 1726, they sent up a bill for adding £36,100 to the currency *etc.*, and altho they had spent most of the last session in contriving schemes for enlarging their currency and for re-issueing of what was to be sunk in breach of the Act *etc.* After this they received tumultuous petitions from the parishes, five in all, signed by about 200 persons most of them of the meaner sort, the substance of all being much the same, viz. to increase their currency or to sett a rate on forreign coynes according to the present standard of their bills and thus to have altered all the prices set by the Act for *ascertaining the rates of foreign coin etc.* The Assembly presented the persons who brought these petitions with copies of their resolutions against the President and Council *etc.* The Creek Indians having made several irruptions and murdered severall of the inhabitants, the Assembly resolved to build forts and raise men, but to defray the expence they proposed that bills should be re-issued and the sinking fund applied for that purpose *etc.* So here was nothing to be done *etc.* The next thing they took in hand was a memorial of Landgrave Smith who had so farr debased himself as to apply to the Lower House for relief, *etc.*, complaining of the manner of his being apprehended, as if it had been anything new for the Millitary power to assist the civil to apprehend offenders who had formed a design of oversetting the Government *etc.*, and complaining against the new Chief Justice, that he would not grant him a Habeas Corpus in Vacation at his Chambers *etc.*, persons committed for treason expressed in the warrant being particularly exempted out of the Act from having the benefit of the Habeas Corpus in Vacation *etc.*, and praying that they would declare him within the Habeas Corpus Act *etc.* The Assembly ordered a hearing on that Memorial, whereupon the President demanded copies of the memorial and their resolves thereupon, of which the Assembly took no notice, but on his demanding them a second time, they answered that they had ordered their Clerk to deliver the copies required *etc.* On Aug. 4th they ordered the Clerk of the Crown to produce the papers relating to Smith's commitment, and the Chief Justice to attend their House, which he refused *etc.* The President thereupon commanded the attendance of the House and ordered them to desist from inter-

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medling with Smith's affair as belonging to the King's Courts only, and told them that he would not suffer the King's Prerogative to be violated. They however continued to examine Smith's memorial in regard to a Habeas Corpus and bail, whereupon the President agreed with the Council that they ought to be dissolved, but as we were daily under apprehensions of some irruptions intended to be made by some enemy Indians, from the Spaniards at Augustine *etc.*, they were only prorogued *etc.* till 2nd Sept. The President having received several accts. of the murders committed by the Yamasee Indians on the Southern frontiers, they were summoned to meet again 23rd Aug. H.E. reminded them of their promise of taking effectual methods for guarding the frontiers *etc.* A Committee reported it absolutely necessary to raise 300 men, but they would raise no other fund but by re-issuing bills and applying the sinking fund till the war be ended. The majority of the Council were prevailed on to consent, against their inclinations, upon their agreeing to repay the money again out of the dutys, but Ralph Izard and Benjamin de la Consiliere dissented. H.E. told them that it was chiefly for this business that he had called them together, to which they answered that they never heard that Assemblys were confined to what they were to do, so they had without loss of time passed and sent up a bill for promoting and carrying of silver and gold and was a bill of so much consequence to the general welfare as to merit our consideration, nay, the passing of it would contribute to perfect the present expeditions. The title of this bill was *to promote the currency of gold and silver by fixing the value thereof in the present paper currency etc.* the Governor and Council rejected it as contrary to the Act, *for ascertaining the rates of foreign coin etc.* and H.E.'s 17th and 29th Instructions, and informed the Assembly accordingly, signing their said reasons, and saying that they could not pass it without a saving clause, till H.M. pleasure be signified thereon. By their message of 21st Sept. the Assembly thereupon insolently arraigned the Council, charging them with arbitrarily imposeing upon them and destroying their undoubted privileges and introducing tyranny *etc.* The President and Council gave proper replies, but could not dissolve them, without first raising supplies and sending out forces against our Indian enemy, which they very well knew *etc.* On 21st Sept., 1727 they sent up another bill, *to ascertain the value of the* *paper bills etc.*, the same in substance with the former *etc. Described.* The Council rejected it *etc.* This Assembly was closed with the passing the Act for carrying on the expeditions against the Indians, against which Mr. Ralph Izard and Benjamin de la Consiliere, two of H.M. Council, entered their protests, for that the moneys appropriated to those uses was to be taken out of the bills which by law were to be called in and sunk pursuant to the Lords Justices' orders. The President prorogued this Assembly to Nov., which was soon after determined by the demise of his late Majesty, and a new one called to meet Dec. 18, which could not be qualifyed by reason the severall writts were not duly published nor executed by the proper officers, and another Assembly called to meet 31st Jan., 1727. The President in his Speech recommended to them to provide for the charges for the year ensuing, and to provide for the security of their fellow subjects that lived on the Southern parts, who dare not live in their own houses, but were obliged to herd four or five famillys together to defend themselves against the Indians *etc.* He had lately been amongst them and done everything in his power, but unless something most lasting was done by this Assembly, they would be forced to leave their settlement *etc.* They showed a great deal of forwardness in proposing measures for this purpose, appointing guards to the water passages, sending scout-boats erecting small forts and batteries *etc.*, and raising men sufficient for guarding the whole, which being agreed to by the Council, a bill for *the better securing the Southern frontiers* was sent up on 14th Feb., but at the third reading payment for the same by a public tax was rejected, and though the expedition against the Lower Creek was now laid aside and they had agreed the very last Sessions of the former Assembly that the dutyes when those expeditions were over should goe towards sinking the bills as by law appointed, yet they now resolved that the moneys ariseing by that sinking fund be applyed towards raising of men for the better securing the Southern frontiers. For this reason the Council unanimously rejected it *etc.* Next day they sent up a new currency bill, *to ascertain the discount upon paper bills*, the same in substance as the two former *etc.* The whole secret of all these bills and their other attempts of this kind is to defeat the Lords Justices' orders and their own law for sinking their bills of credit *etc.*, or if they must be forced at last to sink them by degrees, they would have laws made to enable the debtor to pay off the creditor on Proclamation money at the rates they would now settle *etc.* All their projects about settling currency, and discount, establishing banks and making laws for tendring commodities in descharge of debts *etc.*, all tend to the same one purpose, that as the generality of the people are got into debt by buying of negroes beyond their abilities, they would screen the debtors from their creditors *etc.* The populace never failed to send such Representatives as will best answer the debts they send them for. After they had sat for eight weeks, the President reminded them of his message, 23rd Feb., as to providing for the security of the Southern frontier *etc.* But the Assembly insisted on their discount bill *etc.* The Council sent reasons why they could not pass it, whilst the Assembly insisted upon settling their paper currency. The President refused their request for an adjournment and let them know that he would make no more breaches on the sinking fund *etc.* Upon this they desired the sending of the expedition of 300 men against the Creek Indians when there was no occasion for it, (they were brought to terms without it) in order to draw the moneys out of the sinking fund, which the President refused. They then made a show of raising a tax, but delayed the second reading of the tax bill, endeavouring to weary out the Council, appointing Committees to consider bills about every trifle, and then, 12th April, sent up another currency bill, *to promote the importation of gold*, of the same stamp with their silver bill, to force creditors to take it at the price set upon it by their act and the prices made perpetual. After adjournment till 1st May, the Council let them know that their further neglecting to pass the tax bill would as we believed be looked upon by your Majesty as a designe to distress the Government, nevertheless the majority of the Council, three against two, in order to try to get a supply for the support of the Government did agree to submit the good or evil of that bill, to your Majesty and therefore passed it once with a saving clause (dissenting R. Izard and B. de la Consiliere) *etc.* but the Assembly rejected the saving clause. Wherefore the Council rejected the bill and acquainted them that we should not pass the bill for altering the currency or any ways affecting the property of any of your Majesty's subjects without such a clause *etc.*, and urged to make provision for the support of Government *etc.* In reply, they said they had been busy investigating the deficiencies

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of the last year's tax *etc.*, and insisted on their currency bill, and arraigned the President and Council for distressing H.M. subjects. The President and Council replied *etc.* and desired to know whether they would pass the tax bill or not? Delay would be regarded as a denial *etc.* The Assembly paid no regard to this message, and, instead of granting supplies, resumed the affair of Landgrave Smith, complaining of Chief Justice, Richard Allein, for not granting him a Habeas Corpus, and summoning him to justify himself at the bar of the House. He refused, explaining that it was an affair not cognizable before them *etc.* The Assembly resolved that this was an affront to their House and ordered him to be taken into custody, even though he was attending on the President and Councill. Their Messenger abruptly forced open the door of the Council Chamber and endeavoured to force him from the Council table, without even acquainting the President with his errand. Whereupon the President ordered him downstairs, which proceeding the Assembly resolved was arbitrary and an unprecedent infringement of their liberties. Whereupon they were dissolved and another Assembly called for 9th July. This met with the same temper as the last, chose the same Speaker, and the greater part of them the same members. At their presenting the Speaker, instead of desireing as was usual he demanded a conservation of the same rights and priviledges which Parliament of England and former Assemblies of this Province had enjoyed time out of mind, and so preposterously joines prescription of this Colony to that of your Majesties Kingdom of Great Britain, when 'tis a point settled that none of your Majesties Colonies ever had as yet a right to prescribe *etc.* The President told them, that as he did not intend to invade their priviledges, so he desired them not to invade his. He desired them to provide for the public debts and safety by a tax. He informed them that he should lay before them a letter from the Commander of Fort Moore stating that the garrison had given him notice that they designed to leave it next month, and that he himself designed to do the same, and that no doubt the other garrisons under public pay would follow their example unless timely prevented by due payment. He likewise acquainted them that there was a scheme before the Lords of the Admiralty for making Port Royal Harbour a place of rendezvous for H.M. ships of warr in America, in case a channel were found deep enough to receive them, and of how great benefit and advantage it would be to the Colony. In reply they promised fair and the survey of the Harbour was agreed to and is now performed. But they resolved not to consider of means to raise a supply, and revived a currency bill for setting a rate on foreign coins as before, and to allow these to be paid for duties instead of their additional bills of £40,000 and ordered to be sunk, and so entirely overset their sinking law *etc.* Wherefore the Council rejected it, July 19 and 20. They desired adjournment, but the President reminded them of provision for support of Government. Whereupon they adjourned to Monday, but in manifest breach of all rule and order, never after met againe, save two or three at most with their Speaker, who on the 24th also absconded themselves. The President with the unanimous advice of the Council therefore dissolved them, 27th July. On 7th Aug. new writs were issued for calling an Assembly 17th Sept., where the President and Council attended their coming, from 18th to 21st. But no sufficient number of them appeared to constitute a House. The President being willing rather to attribute the same to sickness or accident then to any contempt offered to your Royal authority, prorogued them by two several prorogations unto 20th Nov. following, when he and the Council again attended till 23rd, but the majority of the Assembly absented themselves of set purpose, so that the rest could not constitute a House. He therefore dissolved them by proclamation *etc.* *Pray* H.M. to send a Governor with Instructions deemed necessary to put a stop to such insolent proceedings *etc.* *Signed as No. ii* (5 torn). *Same endorsement. Abstract.* 44 *pp.* [*C.O.* 5, 360. *ff.* 92, 93*v.*–100, 101*v.*–103*v.*, 104*v.*, 105–149 (*recto only*), 150*v.*]

July 3. Whitehall. **808.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment for Office expenses and Officers' salaries for quarter ending Midsummer. Accounts annexed. [*C.O.* 389, 37. *pp.* 302, 303.]

July 3. St. Christophers. **809.** Governor Lord Londonderry to the Council of Trade and Plantations. *Encloses* duplicates of all acts passed at St. Christophers since his arrival (i) *for settling* £2000 *pr. ann. current money on himself during his Government;* (ii) *laying duties on sugars, molasses and other goods of the growth and manufacture of this island exported etc.*, (iii) *for supplying a defect in an Act passed this year for levying duties on sugars etc.* (iv) *for raising a tax on negroes by the poll for and towards the* *erecting a Court-house in Basse-terre,* (v) *to regulate the militia,* (vi) *for raising a tax on negroes and other slaves and on the value of house-rents in the severall towns within this island and for building a wall to compleat Charles Port and the other fortifications,* (vii) *for establishing a market at Basseterre, Sandy Point, Old Road and Deep Bay, and for ascertaining the prices of meat etc. Continues :*—I also enclose a duplicate of the Minutes of Council Oct. 24, 1727 to Feb. 15, 1728 *etc.*, and a transcript of the Minutes of Council from that time to 31st Dec., 1728, as also the Minutes of this Assembly from 24th Oct., to 19th Dec. 1727, and another transcript thereof from that time to the 31st Dec., 1728 *etc.*, to which time I have ordered the Secretary, and his respective Deputies, as well as the Clerks of the respective Assemblies of these Islands, to compleat their Minutes, and that for the future they do, on pain of being suspended from their offices deliver me every six months copys of the Minutes of the Council and Assemblys with duplicates thereof in order to be transmitted to your Lordships in a more regular manner that I find has hitherto been done in this Government, and I shall take care to see they comply with my directions. *Refers to* enclosed list (*No.* i). *Continues :*—As Mr. Smith and Mr. Douglas the two first I have brought into the Council agreable to my Instructions, I desire leave to add to the list Gilbert Fleming and Abraham Paine Esqrs. to keep the number up to six *etc.* I placed Mr. Smith in the room of Mr. John Willett, who before my arrivall here had resigned his seat at that Board, but however finding him still in H.M. Instructions to me, and a very worthy capable man, I endeavoured to prevail with him to return to his station but in vain, he having determined to concern himself no more with publick affairs. The number of the Council by the departure of Major Milliken for Great Britain, to continue there the residue of his life, again falling under seven, I appointed John Douglas Esqr. of the Council in his stead pursuant to my Instructions on that head, he is a gentleman of fortune and merit and every way qualified for it *etc. Prays that* he may be confirmed, and that, Col. William Byam, one of the Council of Antigua being dead, the first in the list sent may be appointed, and that John Gunthorpe may be added to that list *etc. Signed,* Londonderry. *Endorsed,* Recd. 10th Sept., 1729, Read 13th Oct. 1730. 2 *pp. Enclosed,*

809. i. (a) List of Councillors of St. Kitts, showing one dead, one resigned and five in England.

(b) List of persons fit to fill vacancies :—Wavell Smith, John Douglas, Ashton Warner, Drewry Ottley, Thomas Butler, John Greatheed. *Endorsed,* Recd. 10th Sept., 1729. ¾ *p.* [*C.O.* 152, 18. *ff.* 136, 136*v.*, 137*v.*–138*v.*]

July 8.
Whitehall.

810. Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* In obedience to H.M. Order in

Council, 22nd May, *report* upon Lord Micklethwaite's petition, that, having discoursed with petitioner, he informed them that he had no salary for executing the office of Secretary of Barbados, and that the profits accruing to him from his said office, did only arise from such reasonable fees, as had for many years before been usually taken in the said office. *Continue*:—We therefore humbly beg leave to propose to your Majesty that his account (annexed) be transmitted to H.M. Governor of Barbados, and that he with the Council do examine and settle the same, and that the payment of what shall be found due, upon proper vouchers, according to the usual and accustomed fees given upon the like occasions be recommended to the Assembly for immediate payment thereof. [*C.O.* 29, 15. *pp.* 110, 111].

July 8. Whitehall. **811.** Council of Trade and Plantations to the Duke of Newcastle. Having received an Address from the Council of North Carolina, relating to the conduct of the Governor of that Province, which contains matters of a very extraordinary and heinous nature, we thought it our duty without loss of time to transmit it *etc.* to be laid before the Queen *etc.* *Autograph signatures.* *Endorsed,* Copy sent to my Ld. Townshend. 11th July, 1729. 1 *p.* [*C.O.* 5, 306. *No.* 15.]

July 8. Whitehall. **812.** Mr. Popple to Mr. Carkesse. Again requests reply to 20th May. [*C.O.* 195, 7. *pp.* 244, 245.]

July 8. Whitehall. **813.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* Address from Council of N. Carolina relating to the conduct of the Governor, "which contains matter of a very extraordinary and heinous nature," to be laid before H.M. *etc.* *Printed,* N.C. Col. Rec. III. 25. [*C.O.* 5, 1294. *p.* 3.]

July 9. Whitehall. **814.** Mr. Popple to Governor Hunter. Acknowledges letter of 3rd May. *Concludes*:—It is with great satisfaction that my Lords Commissioners observe what you have done towards putting the Island under your command into a state of defence. [*C.O.* 138, 17. *p.* 274.]

[July 9]. **815.** Mr. Yeamans to Mr. Popple. Designing to write very shortly to the Assembly of Antigua, I should be glad to know the resolution of my Lords Commissioners on the printing our body of laws, a copy of which I had the honour to lay before them. *Signed,* John Yeamans. *Endorsed,* Recd., Read 9th July, 1729. *Addressed.* 1 *p.* [*C.O.* 152, 17. *ff.* 79, 80*v.*]

July 9. Whitehall. **816.** Mr. Popple to Mr. Yeamans. *In reply to preceding,* I am commanded to acquaint you, that the body of Antigua

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laws, which you lately brought to this Office, not having the seal of the island affixed thereto, cannot be looked upon as authentick; and therefore I am to desire you to send the laws back again to the said Island, that they may be returned properly examined, and under the Seal of the Island. [*C.O.* 153, 15. *pp.* 26, 27].

July 9.
Whitehall.

817. Council of Trade and Plantations to Governor Montgomerie. *Acknowledge* letter of 30th Nov., and 20th April last. We have read the Minutes of Assembly of New Jersey to which you refer *etc.*, and tho' their manner of proceeding may have been somewhat indiscreet, we are of opinion that H.M. subjects especially when they are legally met in Assembly should not be discouraged from applying to the Crown by Address. Intend to let the Act *prescribing the forms of declaration etc.* lie by probational *etc.*, but to offer that for triennial Assemblies for H.M. disallowance as it is certainly a restraint upon the Prerogative, as also that *for appropriating a part of the interest money etc. to the incidental charges of the Government*, unless they hear soon that the Assembly has repealed the last clause. *Printed*, N. J. Archives, 1st Ser. V. 247. [*C.O.* 5, 996. pp. 259–262.]

July 9.
Custom ho., London.

818. Mr. Carkesse to Mr. Popple. *In reply to* 20th May and 17th June, encloses following. *Signed*, Cha. Carkesse. *Endorsed*, Recd., Read 10th July, 1729. *Addressed.* ½ *p.* *Enclosed*,

818. i. Instructions by Commissioners of Customs to the Collector at Poole, as to duty upon train oil. 13th Feb., 1727.

818. ii. Instruction by *Same*, explaining above. Train oil caught in any ships truly belonging to Great Britain and imported in such ships is exempted from duty. Train oil taken and imported in ships belonging to H.M. Colonies pays 6*s*. pr. ton, taken by shipping belonging to such Colonies, but imported by ships belonging to Great Britain pays 3*s*. per ton. *Copy.* 2 *pp.* [*C.O.* 194, 8. *ff.* 214, 215, 216, 219*v*.].

July 10.
Whitehall.

819. Mr. Popple to the Mayor of Pool. Enclose copies of preceding, "which their Lordships hope will prove satisfactory." [*C.O.* 195, 7. *pp.* 245, 246].

July 10.
Kensington.

820. H.M. Commission (by Queen Caroline) to Watson Jones to be Commissary of the Musters at Canso and Placentia. *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 129, 130].

1729.
July 10.
Marlbro' Street.

821. Col. Hart to the Council of Trade and Plantations. *Abstract.* Has considered Lord Londonderry's proposal for settling Sta. Cruz (*v.* 15th April). All acquisitions of land to the publick, either on the Continent, or in the islands of America are to be embrac'd, especially since all the States of Europe, who have Colonies in those parts, endeavour to prevent the extending the Brittish Dominion there *etc.* For a description of Sta. Cruz *refers to* his letter of 12th July, 1724. [*As to H.M. title* to settle a Colony there.] *Continues* :—It is a great misfortune that by the island of St. Christophers being so often taken by the French in the late wars, all records were destroy'd ; and it was from that island the English nation formerly made any settlements on the island of St. Cruz,—so that we have only tradition for any former settlements thereon ; nor is there any author of the Brittish Nation, I am acquainted with, treats of that matter so clearly, as to lay a foundation to the Crown, for an indisputable title to that island. The Atlas Geographus, is the author that is most particular in this point ; volume the 5th page 538, which I take the liberty to lay before your Lordsps. *etc.* However uncertain our accounts are as to our former right of possession, it is notorious that the late French King, in order to encrease his Colony on the island of Hispaniola, now called St. Domingo, laid his commands, which were executed, in 1671, for the transporting all the inhabitants from St. Cruz thither : together with their moveables : Besides their houses and other immoveables were appraised at the full value, and paid to the inhabitants at their departure : and double the extent of land, they were possessed of in St. Cruz, given them in Hispaniola *etc.* The French on quitting of St. Cruz demolish'd their forts, and left not one inhabitant upon it. From 1671 to this time there has been no regular plantations on the island by any nation whatever ; and as it lyes to the westward of Porto Rico, is undoubtedly included in the Commission from the Crown to the respective Governors of the Leeward Islands ; and has ever been so deem'd and understood by them ; but have never granted any patents for the making of plantations, for want of orders from the Crown. *Submits,* whether upon the French leaving that island desolate in 1671, it was not free, by the law of Nations, to the first occupier who should cultivate and improve the same, and whether H.M. has not now the sole right of making such settlements as in his wisdom he shall think fit, from his asserting his right to that island, by his commissions to his Governors of the Leeward Islands ; who have instructions to suffer no other nation to settle thereon ; which have been punctually observ'd ; accordingly the Brittish subjects are the only traders there ; and several wood cutters constantly dwell thereon. *Signed,* Jo. Hart. *Endorsed,* Recd., Read 10th July, 1729. 3¾ *pp.* [*C.O.* 152, 17. *ff.* 81–82*v.*, 83*v.*]

1729.
July 11.
Bermuda.

822. Lt. Governor Pitt to Charles Delafaye. *Refers to* letter of 26th (? 30th) April. *Continues*:—The inhabitants still dayly suffer by the oppressions of the Spaniards who take and destroy their vessels *etc.* *Begs for* his favour in reminding his Grace of doing something for them and of forwarding the acts now and formerly transmitted for the royal assent *etc.* *Encloses* Journal of Assembly, 18th Nov. 1728—6th March, 1729; an Act *to prevent any person allowing and encourageing any negroes from rioting and meeting at unreasonable times in his house or possessions etc.*; an act *to prevent any person from makeing, haveing or keeping any nett exceeding the length of* 3½ *fathoms in his house or other place whatsoever, and to prevent hauling fish by any other contrivance*; an act *for repealing an act for establishing fast days etc.*; an act *for making an addition to the sallary of H.E. John Pitt Esq. etc.* A further additional act for *the more speedy repairing of the highways*; an act *laying an imposition on negroes and other slaves imported*; an act *to supply the deficiency of the severall funds for finishing the fortifications and for defraying the other charges of this Government.* Which I think are absolutely necessary as well for the peace and tranquility of this Government as for compleating the fortifications which are now allmost finished; I allso desire you'l put His Grace in mind of what I wrote in my last letter relateing to powder and amunition, which through the extream poverty of the people cannot be purchased by any tax to be raised, the inhabitants being scarce able to bear what are allready laid *etc.* *Signed*, John Pitt. *Endorsed*, R. 23 Sept. Extract of letter to His Grace (taken out of this) sent to Mr. Stanhope, 29th Sept., 1729. *Addressed. Sealed.* 1½ *pp.* [*C.O.* 37, 29. *No.* 5.]

July 11.
Bermuda.

823. *Same* to the Duke of Newcastle. *To same effect as preceding.* "In a short time the small number of trading people here will be entirely ruined unless proper measures are taken to prevent the insolency of those abandoned people" *etc.* *Signed*, John Pitt. *Endorsed*, R. 23rd Sept. 2 *pp.* [*C.O.* 37, 29. *No.* 6.]

July 14.

824. H.M. license (by Queen Caroline) to Ralph Gulston, in pursuance of his contract with the Commissioners of the Navy to bring over 6 ship-loads of masts etc. in 1728, 1729, 1730 and 1731, to cut trees in New England, after they have been viewed by the Surveyor General of the Woods, who is to be aiding and assisting him *etc.* *Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 126–129.]

July 15.
Whitehall.

825. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, five Acts of the Massachusets Bay, 1728, (i) *for repealing an Act for punishing and preventing of duelling* *and for making other provision instead*; (ii) *to more effectually secure the duty on the importation of negroes*; (iii) *for the encouragement of making paper*; (iv) *for regulating the ferry between Bristol and Rhode Island*; (v) *for altering the time for holding the Courts etc. within the counties of Essex, Middlesex and Plymouth.* [*C.O.* 5, 916. *p.* 205].

July 15. Whitehall. **826.** *Same* to *Same*. Encloses, for his opinion in point of law, four Acts of Bermuda (i) *for raising a sum of money for the speedy repairing the Castle and other fortifications*; (ii) *repealing an act to prevent the destruction and transportation of palmeto tops, and an act amending the same*; (iii) *for raising a quantity of timber plank and lime necessary for the repairing the Castle etc.* (1727); *and* (1728) (iv) *for raising a sum of money necessary for the repariing the Castle and other fortifications.* [*C.O.* 38, 8. *pp.* 145, 146].

July 15. New York. **827.** Lewis Morris jr. to the Duke of Newcastle. *Abstract.* Only five of the Council were met at the time of his suspension from the Council (*v.* 30th June), one of whom says he dissented from it and desired his dissent to be entered, which was not done. *Continues*:—H.E. did not think fit (tho' desired) to give any reasons, but (if I guess right) it was because I protested against the manner of introducing and signing some warrants, for the disposition of the publick money contrary to H.M. letters patent, tending to render H.M. Councill here useless, and insignificant, and also being of dangerous consequence to H.M. interest and prerogative, by complying with the votes and resolutions of an Assembly *etc.* *Argues* case. *Cf.* June 30. *Traces* steps taken by New York Assembly since Govr. Hunter's time, like other American Assemblies, towards independence, first by refusing a revenue and salary for the Governor, then, in Governor Burnet's time, by making votes what should be the salaries of the several officers of the Government, marking their resentment upon those who were known to have been active in the interest of the Government *etc.* On their reducing the salary of Chief Justice Lewis Morris, he demanded their reasons *etc.* (*v.* encl.). By their votes of 7th Oct. 1726 they made it plain that they regarded these votes for salaries as directions to the Governor and Council, and that no alterations or other warrants were to be issued by them for such salaries. They did accordingly address, which was referred to the Council, who esteemed it a proceeding of great insolence, and would have taken proper notice of it, but Mr. Burnet having advanced his own money towards building a fortification on the frontiers, and that if he should differ with the Assembly (who studiously sought all occasions to quarrell) they would make use of that pretence to avoid raising money to pay for it, he chose to let the matter drop *etc.* The Assembly judging this to proceed from fear *etc.* were encouraged to rise in their demands and to make resolves against the Court of Chancery, as in Hunter's time, as being erected without their consent *etc.* The present Governour has thought it his interest to comply with the Assembly in everything, the Court of Chancery has been entirely dropped, to the great prejudice of all those who have causes depending there *etc.* His promises, on his arrival, if not direct, were understood to be tantamount to undertaking to give in to the measures of the Assembly, being entirely under the influence of George Clark, Secretary of the Province, who is supposed to be the contriver of most of these resolves. "Whether this complying conduct of the Governor will prove as much for H.M. interest as he thinks it conduces to his own, time will discover *etc.* For my part I thought it destructive of it, and what would (if not checked in the beginning) issue in this people throwing of their allegiance, which induced me to oppose it" *etc.* Does not ask to be restored to the Council, unless he can be free, and his voice not under the direction of the frown or nod of a Governor *etc.* To a timid and pusilanimous condescention in the Councill, is almost solely owing this insolence of the Assembly, for "Governours, sitting and voting as Councellours, in the making and passing of laws, it is very much in their power to make any bill sent up by the Assembly, (calculated for his private interest) to pass the Council by his vote, tho it be never so much against that of the King's. I did also protest against this practice, but was suspended before I had drawn up my reasons for it, and perhaps to prevent that might be the true reason of my suspention" *etc.* *Suggests* that copies of the Governor's instructions, wherein the advice and consent of the Council is made necessary, should be transmitted to be entered in the Council books. At present they do not know when they may, and ought to interpose their advice *etc.* *Signed,* Lewis Morris, jr. *Endorsed,* Recd. 27th Oct., 1729. 6 *closely written pp.* *Enclosed,*

827. i. Duplicate of *No.* 799 iii.

827. ii. Duplicate of *No.* 799 i.

827. iii. Paper published by Governor Hunter in reply to the resolution of the Assembly that the erecting or exercising a Court of Equity or Chancery without consent in General Assembly is unwarrantable, and contrary to the laws of England and a manifest oppression *etc.* *Printed,* New York, 1713. 7½ *pp.*

827. iv. Resolves of the Assembly appointing several salaries, 10th Aug. 1728. *Copy.* 1¼ *pp.*

827. v. (a) Speech of Chief Justice Lewis Morris to the Assembly of New York, 3rd May, 1726. Demands their reasons for voting a reduction of his salary by £50 *etc.*

v. (b) Reply of Assembly to preceding. Such reduction did not proceed from any malversation on his part, but because he formerly, and all other Chief Justices before him had no greater salary than £130, and the present circumstances of the Colony make them less able to allow excessive salaries now, than they were then. The whole, *printed*, New York, 1726. 2 *pp.*

827. vi. Reply of C. J. Morris, 17th June, 1726. *Abstract.* It has cost the county £2000 for the Assembly to debate the matter. He only was induced to continue in office when a former Assembly proposed that his salary shd. be raised to £300 *etc.* The King has by his prerogative the right of determining what salaries are proper for his servants *etc.*; once these salaries are fixed, to deprive an officer of the whole or any part of them, without his being convicted of having done something to deserve it, is not agreeable to the principles of a natural equity or the laws and practice of England, or of the House of Commons *etc.* *Continues*:—That we are plants, in a manner but of yesterday's growth; and as appears by the Sibboleth, so easily distinguishable in most of our Speech the greater number transplanted from a foreigne soile: and here tenderly nurst up, at the vast expence of the Brittish Crown; that we are, and ought to be, a dependant Government; and have no inherent right, to be an Assembly, and to sit and make laws but by virtue of the King's Letters Patent; are things too evident and notorious to be denyed; and yet we have taken upon ourselves the exercise of a power, not seemingly agreeable to that dependance, or warranted by those Letters Patent, which gave being to our political constitution; and this is not only done in the case of salarys: but in a more eminent manner, as will appear by your votes of 20th April last; where you order the tonnage officer to return to Capt. Hopkins the duty of 14 negroes. This money was by an Act of Assembly lodged in that officer's hands; and being publick money, belonging to H.M., could not be disposed of but by warrant drawn by the Governor in Councill *etc.* Their votes as to salaries *etc.* and printing the same, in the face of the Government, has not passed unnoticed in the neighbouring Plantations, having been published in the Boston News Papers as something extraordinary, but for what end the Publishers or contrivers of the publication best know. Where these things will end God only knows, but what they mean, is not very difficult to guess. How mischievous in its consequences such an example may be to the rest of H.M. Plantations,

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and of what dangerous tendency to lessen, or shake off their dependance on the Brittish Government, will be humbly submitted to H.M. *etc.* *Replies to* criticisms of his Speech. *No.* v. (a) *supra.* 5¼ *pp.*

827. vii. Minutes of Council of New York, Oct. 12, 1728. List of warrants for salaries issued. *Copy.* ¾ *p.*

827. viii.–x. Resolves of the Assembly of New York, 7th Oct., 1726, 25th Nov., 1727 and 30th July and 10th Aug., 1728. *Copies.* 3⅓ *pp.*

827. xi. Minutes of Council of New York, 27th Nov.—1st Dec., 1727. *Copy.* 7 *pp.*

827. xii. Some reasons offered to the Governor and Council for not laying before them the minutes of the Committee appointed to examine into the grievances complained of by the Assembly, Sept. 13, 1728. *Signed,* James Alexander, Lewis Morris, jr. 2½ *pp.*

827. xiii. Representation of the above Committee of Council of New York to the Governor in reply to the Assembly who charged them with violating their privileges *etc.* 30th Aug., 1728. *Signed,* Robert Walter, Cadwalader Colden, James Alexander, Lewis Morris, junr. 5⅔ *pp.*

827. xiv. Lewis Morris, jr., to Governor Montgomerie and Council. Reasons offered against the Governor's sitting and voting in Council in the passing of laws. *Copy.* 2¾ *pp.* [*C.O.* 5, 1093. *ff.* 46–48*v.*, 49*v.*–55, 56–57, 58–66*v.*, 68, 70, 70*v.*, 72, 73, 74–77, 78–79, 80–82*v.*, 84–85.]

July 16. Whitehall. **828.** Mr. Popple to Mr. Fane. My Lords Commissioners for Trade and Plantations command me to send you the Charter of Connecticut and Rhode Island, and thereupon to desire your opinion in point of law, what power still remains in the Crown to controll the laws, actions and conduct of these Governments, and in what particular they are still dependent on the Crown. [*C.O.* 5, 1294. *p.* 4.]

July 16. Whitehall. **829.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extract of letter from Governor Pitt, "in relation to the distress of those islands occasioned by the daily seizures of their vessells by the Spaniards ; and to the want they are in of ammunition and stores, that your Grace may be pleased to lay the same before Her Majesty for Her orders thereon." [*C.O.* 38, 8. *p.* 147.]

July 17. **830.** Governor Hunter to Mr. Delafaye. Many ships being arriv'd from England and no letter from you I conclude that either your health or my affairs are in a bad state *etc.* *Has left* the Engineer at Port Antonio, to carry on the work which was more than half finished before he left. *Continues* :—I mounted

1729.

twenty guns, cutt the Isthmus, and did what I could to guard against surprizes and when it is finish't I'll venture to pronounce it the strongest place H.M. has in America. Nature had done so much for us that no great skill was requisite. For though we have an able Engineer, yet he leaving England in such a hurry, if I had not by chance been provided in necessary instruments, we must have work'd by guesses. It is matter of wonder to me that, considering the goodnesse of the two harbours, their situation with relation to the command of the Windward pasage and protection of ye trade, the fertility of ye soyle all around and the natural strength of ye place, nothing had been done there hitherto. Upon my return by ye advice of ye Council and Council of war I put an end to Martial Law, which I did the more readily because having no advice from home, or from the best information no preparations for an invasion by ye Spaniard on this side the sea, and the expens which attended the subsisting a useless detachment, for they were compos'd of such as I could not trust, hired servants generally Irish, who gave me much trouble by mutinys and desertion, that I begun at last to be apprehensive that our enemys had more reason to depend upon their service then I had. I have done what I could or any man in my station towards the putting the Militia under better regulation and discipline, arming the people ev'n the slaves to be trusted, which by the by is not the least part of our strength, laying in of stores of war of all kinds, rebuilding old forts and erecting new, laying bridges and causeways and cutting and clearing communications, and with all this I assure you on proof that we are exceeding weake here. The inhabitants freemen, but thinn, the slaves numerous, the Militia not at all to be depended upon, consisting chiefly of such as I have described above, and a turbulant faction of Irish lawyers, who seem to please themselves with endeavouring as much as in them lyes, to defeat or oppose all measures propos'd for ye public security (if this were not of notoriety, I could not write so). That if this Island be of that importance it is generally reputed to be, there is a necessity of some additional strength for its security unlesse we are assur'd of a lasting peace, for such measures as are in my power for that purpose require time, which is not in my power, and great application which shall not be wanting. I make no doubt but our Assembly, which is to meet next weeke from a just sense of their danger and inability will make their humble request to H.M. to take care of them in that way. At least it is ye sense of all ye men of sense and substance that I have of late convers'd with. What the effect of the Irish faction may have towards defeating it, I know not. Our laws if approv'd may contribute toward making matters easie here *etc.* *Sends* sketch of the harbours and Fort George done by his son *etc.* *Continues* :— I have wrote to Coll. Bladen. You must send over a power of attorney to somebody to receive and remitt your money, send with it your account of disbursements on ye publick acct. or mine, which I shall take care be paid *etc.* *Signed,* Ro. Hunter. *Endorsed,* R. Oct. 1st. *Holograph.* 2¼ *pp.* [*C.O.* 137, 53. *ff.* 166–167*v.*]

July 17. **831.** *Same* to the Duke of Newcastle. *Repeats* "ingrosse what I have said in detail to Mr. Delafay." Will do all in his power for Mr. Bellaguier. *Concludes:*—I have advice by a sloop from Carthagene that the Spaniards had lately shipt there five millions of ps. of 8 on board two ships of warr for Spain, one of them being disabled at sea return'd and her cargoe was put on board two Dutch prizes which they fitted for that purpose. *Signed and endorsed as preceding.* *Holograph.* 1½ *pp.* [*C.O.* 137, 53. *ff.* 168, 168*v.*, 169*v.*]

July 17. **832.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Barbados for *laying a duty on wines etc. imported,* but as to the other Act submitted on 27th May, *to reduce the rate of interest* reports that, "it is an act to reduce the legal interest of money from 10 p.c. to 8. An act of this kind may I agree be for the general advantage of the island provided it be garded with that caution as has been usual in acts of this kind. But so little care has been taken in the penning of this act, that as it stands at present it is captious and ensnareing and will in all probability involve men in endless controversies and disputes. For tho' the interest of 8 p.c. is established on future contracts from 24th June, yet it repeals the acts that allow 10 p.c. and provides that everything contained in the 10 p.c. acts shall be void to all intents and purposes, and I apprehend by this ambiguous expression it is intended to raise a question whether the 10 p.c. on old contracts is taken away or not *etc.* This is a very unusual clause and nothing of this kind has ever been incerted in any interest act whatever, the old contracts being never affected but always left upon the foot they stood before. Therefore I am humbly of opinion that this act, which so sensibly affects property should never be confirmed, unless it is drawn in the most plain and clear manner and without the least possibility of doubt." *Signed,* Fran. Fane. *Endorsed,* Recd. 21st, Read 22 July, 1729. 1½ *pp.* [*C.O.* 28, 20. *ff.* 196, 196*v.*, 197*v.*]

July 17. **833.** *Same* to *Same.* Has no objection to 5 acts of Antigua submitted 12th June. *Signed,* Fran. Fane. *Endorsed,* Recd. 21st July, 1729, Read 16th Jan., 17$\frac{29}{30}$. 1¼ *pp.* [*C.O.* 152, 17. *ff.* 117, 117*v.*, 118*v.*]

July 17. **834.** *Same* to *Same.* Has no objection to the four Acts of Montserrat submitted 20th June. *Signed,* Fran. Fane. *Endorsed,* Recd. 21st., Read 22nd July, 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 84, 85*v.*]

1729.
July 17.
Jamaica.

835. Governor Hunter to the Council of Trade and Plantations. On the 25th of June I arriv'd here* from Port Antonio having left Coll. Lilly there to finish that fort which I had cary'd on a great way. If your Losps. have the curiosity to see the plans I have sent such as one of my sons has taken to Mr. Delafay who will have the honor to lay them before you if such is your pleasure. I shall only assure your Lorps. that the harbours are the best in H.M. Dominions and the Fort when compleated the strongest by the nature of its situation in these parts. I need not mention the use to trade or warr by the command of the windward passage or advantages and addition to ye planting intrest by ye goodnesse of the soyle wch. this settlement must bring with it. The sea Captains who have been there will inform your Losps. of that, I shall only mention the uses that Lynches Island may be turn'd to, when we have gott itt for ye King, which I shall endeavour, having as yet only part of it. It would be the most commodious place for a hospital, store-houses and careening places for H.M. Navy in ye world, by reason of its security being inaccessible ev'ry where without the harbours, secure against desertion a common case in hospitals, a wholesome air and fertile soyle for herbage, and water for ye largest ships to lay their sides to the shoar. The land about is setling very fast and in all appearance in a litle time it will be a considerable place. Having stay'd there near two moneths and no fresh orders or advice from home and by all the intelligence I could gett no preparations for an attempt on that side I return'd to this and by advice of the Council and Council of Warr put a period to Martial Law. And must not hide my opinion from your Losps. that we are exceeding weake here and in a bad condition to oppose any attempt of consequence that may be made upon this Island, our Militia consisting chiefly of hired servants and these almost all of a kind not to be at all depended upon, the inhabitants thinn and slaves numerous that I can not think it safe, in case of warr to rely upon our own force. Your Losps. knowing well the importance of this island I am confident will be of my opinion. I speake from experience. I have done what man could do with what I had, and had ev'n gott some laws pass'd for better arming the people and am labouring hard to make ye Militia by better order and discipline more usefull. But that requires time and I know not how much of that we may have to spare. Our Assembly meets next weeke, all men of sense and substance here are sensible of the truth of what I have affirm'd. How far a restlesse faction here who by their conduct seem at best indifferent what becomes of us, may prevaile there I can not guesse, I hope they'll be disappointed but hitherto their arts and endeavours have been lay'd out in opposing or defeating whatever was propos'd for the publick safety. I mean a sett of Irish lawyers, for 'tis time to speake out. Our Acts of Revenue when approv'd may give life and vigour to the people and inable me to sett them and guide them right. I assure your Losps. that nothing shall be wanting on my part *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 1st Oct., Read 26th Nov., 1729. *Holograph.* 2 *pp.* *Enclosed,*

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* [? St. Jago de la Vega. *Ed.*]

835. i. Speech of Governor Hunter to the Council and Assembly of Jamaica, July 24, 1729. *Endorsed,* Recd. 1st Oct. 1729. *Printed.* 1 *p.* [*C.O.* 137, 18. *ff.* 36, 36*v.*, 37*v.*–38*v.*]

July 17.
Jamaica.

836. Extract of letter from Governor Hunter to [? *Col. Bladen. See No.* 830]. I am but lately returned from a very awkward campaign, having been waiting for ye Spaniard in the north west part of the island at the head of a detachment of very sorry Militia. I have however almost finished a very good Fort there in the entry to two of the safest and best harbours in America. I have put our other forts in order and had before my march prepared and provided them all, cut passages and communications between the two sides, and with all this I must tell you from experience, that wee are exceeding weak here, the Militia consisting of hired servants who are not to be depended upon, and the country thin peopled tho' full of slaves. You'll think it strange but it is true, my chief dependance in case of an attempt was upon the trusty slaves, for whom I had prepared arms. Our Assembly meets next week. Whether I can make them sensible of their own weakness, or whether it is in their power to do anything effectually to strengthen themselves in due time, I know not. (I had some time ago passed some laws for the better arming the people and making the Militia more usefull.) But I hope those at the helm, who know the importance of this island to the trade and interest of Great Britain will take some speedy care of us, if there be still apprehension of warr *etc.* If you think fit to communicate what I write to those concerned, it's well. But I would not have our condition too publick. All I can say is, that I shall do my best. I have had a hard task, but shall go on chearfully in my duty. *Copy.* 1⅓ *pp.* [*C.O.* 137, 47. *No.* 11.]

July 19.
New York.

837. Lewis Morris junr., to the Council of Trade and Plantations. Repeats matter of June 30 and July 15. *Set out,* N.Y. Col. Doc. V. *pp.* 882–888. *Endorsed,* Recd. 23rd Oct., Read 17th Dec., 1729. 7 *pp.* *Enclosed,*

837. i.–xi. Duplicates of *Nos.* 827 iii., v.–xiv.

837. xii., xiii. Duplicates of *Nos.* 799. i. and iii. *All endorsed,* Recd. 23rd Oct., 1729. [*C.O.* 5, 1055. *ff.* 84–90*v.*, 91*v.*–112, 113*v.*–120*v.*]

1729.
July 19.
Boston.

838. Governor Burnet to the Duke of Newcastle. I return my most humble thanks to your Grace for the favourable hearing of my case before the Committee of Council upon which I daily expect H.M. final orders. The Assembly's Agents have writ to them about it, in terms so disrespectfull to H.M. authority that I am perswaded your Grace will be surprised at them. And yet the house of representatives have thought their advice so proper to follow, that they have printed these letters in their votes, *enclosed etc. Refers to following. Signed,* W. Burnet. *Endorsed,* R. Sept. 4th. 1 *p. Enclosed,*

838. i. (a) Copy of letter from Francis Wilks and Jonathan Belcher to the Speaker of Assembly, London, April 25th, 1729, and of Francis Wilks to *Same*, 24th March. From Journal of Assembly of the Massachusetts Bay, 27th June, 1729. *Printed,* by Thomas Fleet, Boston, Printer to the Honourable House of Representatives, 1729. 2 *pp.*

838. ii. Copy of following. [*C.O.* 5, 898. *Nos.* 58, 58 i., ii.]

July 19.
Boston.

839. Governor Burnet to the Council of Trade and Plantations. Returns thanks for the Board's report in his favour which lays him "under the most indispensible obligations." *Continues:*—But I must confess that the House of Representatives have shewn the utmost insensibility upon this occasion, and tho' they have seen your Lordships' report and have had the Minutes of what passed at the Committee of Council thereupon, yet they seem to acqueice in their Agents' opinion, to stand it out in Parliament. For which reason they have printed their Agents' letters page 15 and 16 of their Votes as a notification to the people of the country to prepare to follow their advice. I prorogued the new Assembly as soon as they had chosen the Council to the 25th of June, by which time I hoped to have received H.M. final order in Council and I kept them sitting some weeks in that expectation. But hearing at last that it would not come so soon, I prorogued them on the 10th instant to the 20th of August, by which time I have reason to beleive that I shall receive my decisive orders, and then I shall propose the matter to them with all the solemnity it deserves. I have avoided speaking to them at all till these packets arrive, that I might not enter into needless contests, but they could not forbear to shew their wonted regard to H.M. Instructions, upon my appointing a new Attorney General in Council according to H.M. 70th Instruction, as appears by their votes etc. The rest of the time has been spent on private matters, or in disputes, which they have raised upon my denying to comply with them in things which I thought unreasonable, and which would be too long to mention particularly in a letter, but which are all marked in their votes. The only thing that they seem'd to complain of with some reason was my delaying to sign a warrant for the pay of their wages of the members of the last Assembly, tho' there was a law for it. I thought myself indeed no ways obliged to serve them in this manner for nothing, but since they had the colour of law on their side ; I did at last at the desire of the Council, sign that warrant. So that I know nothing they can justly complain of, or that should make them decline settling a salary for my time but their principles of independency, which are too deeply rooted in them, to be managed by anything but the Legislature of Great Britain *etc.* *Encloses* Votes of Assembly. *Signed,* W. Burnet. *Endorsed,* Recd. 2nd, Read 3rd Sept., 1729. 3½ *pp.* [*C.O.* 5, 870. *ff.* 269–270*v.*]

July 19. Boston. **840.** *Same* to Mr. Popple. Thanks for his share in the Board's report. Encloses Votes and duplicates. *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 5, 870. *ff.* 271, 272*v.*]

[July 23] **841.** Stephen Godin to Mr. Popple. Is instructed by the President and Council of S. Carolina to move that such proper Instructions may be given to the future Governors as will enable them to uphold H.M. authority and prerogative, "wch. by impunity, hath been most notoriously invaded and disregarded by a sett of people who have no other vieus to pay their debts but out of ye property of H.M. good British traders and inhabitants. Tumults, riotts and menaces have occasionally been used to bring H.M. Presidt. and Council to their unwarrantable skeems and resolutns. and finding ym. unmovable, they for these two years endeavour to distress ym. at ye hazard of ye whole Province, (should a warr break out) by refusing to provide for ye suport of ye garisons and ye civill Governmts. To redress these and many other grivances wch. have crept in by ye weakness and male administration of former Governmts., some laws should be repeal'd, some reasumed and others made by H.M. injunctions to his Govrs." *etc.* 1¼ *pp.* *Enclosed,*

841. i. The Acts most necessary to be repealed are, (i) The Act *for establishing County and Precinct Courts,* (1721) (ii) An additional Act to the Act *for settling the Court of Justice,* 1726, (iii) an Act *for taking away the writs of summons,* (iv) *for electing members of Assembly by ballot.* The Act which ought to be revived is that for the amendment of the law, 1720. The Act wch. ought to be made, if not more properly to be declared by an Order of H.M. Councill, is Cape Feare wth. all its settlemts. to be in the Province of So. Carolina and under its Government. ⅔ *p.* *The whole endorsed,* Recd., Read 23rd July, 1729. [*C.O.* 5, 361. *ff.* 7–8*v.*]

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July 23.
Whitehall.

842. Mr. Popple to Mr. Fane. Encloses, for his opinion thereon in point of law, Act of Pennsylvania, 1729, *for emitting of* £30,000 *in bills of credit, for the better support of Government, and the trade of this Province.* [*C.O.* 5, 1294. *p.* 5.]

July 23.
Whitehall.

843. Council of Trade and Plantations to the Queen, Guardian of the Kingdom, *etc.* Offer for confirmation act of Montserrat, *granting etc.* £600 *pr. ann. to Lord Londonderry etc.* [*C.O.* 153, 15. *pp.* 27, 28.]

July 24.
St. Christophers.

844. Governor Lord Londonderry to the Duke of Newcastle. I could not refuse Mr. John Gallway a letter for your Grace to forward to his correspondent in London, who will have the honour of delivering this to you. He's a young Gentleman of a family of some consideration in this part of the world, a younger brother, and a trader, and his vessell haveing mett at sea with some misfortune, put into Guardaloupe, by leave of the Lt. Governour, but afterwards was seized by the Custome house officers, and condemned, I think without the least colour of justice. I wrote to the Governour of Martinique about it, who thought it so extraordinary a condemnation, that he wrote to Paris about it *etc.* Refers to papers sent with Mr. Gallway *etc. Signed,* Londonderry. *Endorsed,* Rd. 19th Nov. Copy sent to Mr. Walpole 11th Dec., 1729. *Holograph.* 3 *pp.* [*C.O.* 152, 43. *ff.* 49–50*v.*]

July 25.
London.

845. Mr. Godin to the Council of Trade and Plantations. When on Wednesday I was to attend your Lordps. command I was not prepared to enter into a discution with the advocates of the paper money, neither did I think that what comes from the President and Council under the Broad Seal of Carolina wanted the testimonials of the pretended Agent for the riotous Assembly *etc. Encloses* list of his proofs of the allegations of the President and Council *etc.* Mr. Wragg's agency ceased in March, 1728. *Encloses* list of British traders, and offers to collect in a petition the sense of all traders to the Colonies in relation to the paper currencies on the Continent *etc. Signed,* Steph. Godin. *Endorsed,* Recd., Read 30th July, 1729. 1½ *pp.* *Enclosed,*

845. i. List of papers in the hands of Stephen Godin relating to Carolina. 1¾ *pp.*

845. ii. List of British Merchants trading to Carolina who are no merchants. Sir John Lamber, and 16 *others.* ¾ *p.* [*C.O.* 5, 361. *ff.* 9–11, 12*v.*]

July 28.

846. Capt. Burrington to the Council of Trade and Plantations. In obedience to your commands I humbly presume to give your Lordships my thoughts on the present state of S. Carolina. The inhabitants are computed to be

2000 white men, they have in bills £90,000, which is a sum much too great for so small a number of people. They have been at very great expences to support their Governmt., four times as much as any other Province *etc.*, therefore I cannot think them in a condition to discharge so great a debt but by degrees. If there is incerted an Article in the Governours Instructions to this end, undoubtedly the Assembly will readily agree to pass an Act which would be both advantagious and honourable to their country. If 5*s*. be paid for every tythable yearly in bills the whole debt will be clear'd in 15 years. There are reckoned to be above 20,000 tythable negroes *etc.* It would be a great advantage to them to have a rated commodity in S. Carolina, if rice is rated at 40*s*. a hundred their bills will be improved *etc.* I believe a Governour will find the people very ready to come into this method to discharge their debt, if he has the honour to inform them it will be agreeable to the King. *Signed*, Geo. Burrington. *Endorsed*, Recd., Read 31st July, 1729. 2 *pp.* [*C.O.* 5, 361. *ff.* 22, 22*v.*, 23*v.*]

July 29. **847.** Thomas Lowndes to Mr. Popple. Encloses following. *Continues*:—My view when I communicated my thoughts upon that head to the merchts. was, to shew the way to erect in H.M. Plantations a staple commodity which might be advantagious to our British manufactures *etc.* *Continues*:—According to the best information, the Emperor of Russia is the sole Proprietor of the pott ash, as the King of France is of the salt in his country, and that by the returns he has for this commodity from England, Holland, Flanders and France that monarch chiefly pays his troops. So that should this branch of his trade be affected, that Prince could not make the figure he now does. You must be so good as to allow me to hint, that was a proper method used I presume all the Charter and Proprietary Governmts. might be induced voluntarily to surrender their charters. But alass! the speculative part of trade by sad experience I find to be an unprofitable study. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 29th, Read 30th July, 1729. 1¾ *pp.* *Enclosed*,

847. i. Memorial of merchants of London to the Council of Trade and Plantations. Imports from Russia and the East Country of pott ashes and pearl ashes amount to more than £100,000 yearly, which are always bought with specie *etc.* Was there proper encouragement given H.M. American Plantations would furnish Great Britain with those commodities *etc.*, there being great plenty of the proper sorts of woods required. These commodities are chiefly used in making soap, (which is absolutely necessary in the woolen manufacture) and in dying as also in bleaching linnen.

The Russian pott ashes have been for a long time monopolized by a few persons who can set what price they please upon 'em to the great prejudice of commerce. *Signed,* Steph. Godin *and* 13 others. *Endorsed as preceding.* 1 *p.*

847. ii. Tho. Lowndes to Sir W. Keith. Asks for his opinion on above project, and whether there is any known defect in the American wood *etc.* To prevent all objection against the unskilfulness of our planters, intends to propose that some persecuted Protestant families of Poland, who are perfect masters of that mystery, may be encouraged to settle in N. America, *etc. Copy.* 1½ *pp.*

847. ii. Sir W. Keith to Mr. Lowndes. *Reply to preceding.* There is great plenty of the sorts of wood required, and it is said to be much richer in the vegetable salts needed than European wood. Heartily wishes success to his scheme, which would be a public benefit every way, because if the people of America were encouraged to go upon so profitable a manufacture, in the winter season when they have most leisure, it would insensibly draw them off from employing that part of their time in working up both wooling and linnen cloth. *Signed,* W. Keith. 1½ *pp.*

847. iii. Tho. Lowndes to Wm. Wood. You being allowed to be a great judge in everything that relates to the affairs and commerce of America *etc., asks for his opinion* on above Memorial (No. i.). *Signed,* Tho. Lowndes. *Copy.* ⅔rd *pp.*

847. iv. Wm. Wood to Mr. Lowndes. Cockpit. July 2, 1729. *Reply to preceding. Continues :*—I shall always be ready to contribute everything in my power to the bringing to pass a proposal which I conceive will be highly beneficial to a people whose Legislature should not think any encouragement too great to be given to H.M. subjects in America, provided they employ themselves in planting commodities, not of the growth and manufacture of their mother country, since it is undeniably true, that every penny paid to them as a bounty on the importing into this Kingdom, any commodities not of our own growth and manufacture but of the growth and manufacture of some foreign country, will be a certain profit and advantage to the people of Great Britain as it will necessarily conduce to the security, preservation and encrease of its trade and navigation, its riches and power. 2 *pp.* [*C.O.* 323, 9. *ff.* 11–13*v.*, 15*v.*, 16, 17, 17*v.*, 19*v.*]

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July 29. **848.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 10 acts of New York referred to him 23rd May. *Signed*, Fran. Fane. *Endorsed*, Recd. 30th July, Read 14th Oct., 1729. $2\frac{3}{4}$ *pp.* [*C.O.* 5, 1055. *ff.* 1–2*v.*]

July 29. **849.** *Same* to *Same*. Has no objection to four acts of St. Christophers submitted on 20th June. *Signed*, Fran. Fane. *Endorsed*, Recd. 30th July, 1729, Read 13th Jan., $17\frac{29}{30}$. $1\frac{1}{2}$ *pp.* [*C.O.* 152, 17. *ff.* 115, 115*v.*, 116*v.*]

[July 30] **850.** Draught of Additional Instructions for a Governor of S. Carolina. *Endorsed*, Recd. (from Mr. Godin) July 30, 1729. 8 *large pp.* [*C.O.* 5, 361. *ff.* 17–20*v.*, 21*v.*]

July 30. **851.** Mr. Fane to the Council of Trade and Plantations. Has no objections to six Acts of Jamaica of 1728, submitted to him 13th May. *Signed*, Fran. Fane. *Endorsed*, Recd. 30th, July, Read 26th Nov., 1729. 1 *p.* [*C.O.* 137, 18. *ff.* 51, 52*v.*]

July 30. **852.** Daniel Horsmanden to Mr. Hammond. Requests his good offices in obtaining for him the Attorney Generalship of New Jersey. About 12 months ago Mr. Alexander quitted that office upon some pique, and the Governor put in one Mr. Smith, a person not bred to the law, till some proper person should be appointed, for there is a scarcity of lawyers in that country *etc.* *Signed*, Dan. Horsmanden. *Addressed*, for Mr. Hammond, at Mrs. Copes, over against the Adam and Eve alehouse, Petty France. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 980. *No.* 47.]

[July 30] **853.** Address of the Council of S. Carolina to the King. Petition for the repeal of three Acts (i.–iii in *No.* 841 i.) as having proved very prejudicial to trade and property. *Seven signatures*. *Endorsed*, Recd. (from Mr. Godin) 30th July, 1729. *Enclosed*,

853. i. Reasons offered by the Council for the repeal of said laws. (i) Governor Nicholson being desirous to model this Government as near as might be to that of Virginia did promote the said laws *for establishing* County and Precinct Courts, to which the Council shewed no inclination as not being adapted to the circumstances of this Province where there is not a tenth part of the inhabitants, and for that wee conceived there were not persons quallified for such employments to be had, and the powers given by that law to the several Justices were very large, but H.E. insisting that no inconvenience arose in Virginia from such laws, wee gave way to the passing the said Acts. The many inconveniences that have arose have more fully confirmed us in our first opinion.

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The powers given by the Act are very exorbitant, for they have not only a civil and criminal jurisdiction, but even the power of the ordinary of granting letters of administration and also the power of the Court of Chancery so far as relates to orphans. The Chief Justice has to hold so many Courts that he has no time to attend to these latter services *etc.*, and his assistants, being bred up as planters, have neither knowledge nor capacity *etc.* By the first two Acts all actions whatsoever were made local and confined to be tryed wheresoever the deffendant might happen to live, altho the contract was made in another county, and the plaintiff to maintain his action was necessitated to follow the deffendant with his witnesses 50 or 100 miles *etc.* When this was altered by the third Act, of 1726, all the Justices save those of Beaufort on Port Royall Island and one other Court at Echaw in Craven County threw up their commissions, for nothing would satisfye them, but bringing all causes to their own doors. The Chief Justice being restrained by these laws not to hold Courts without them, no Courts have been held for two years past at the three other places or precincts at Wassamsaw, Wandoe or Wittown, for when the Chief Justice came the circuits at the time appointed, some would not appear and those that did refused to act, so that all causes of action arising in those precincts being to be tryed there, those places have ever since become mints for debtors and sanctuaries for all criminals under the degree of felony. The Council passed a bill for reducing those three last mentioned Courts, but could not obtain to have it passed in the Lower House, *etc.* The necessity of passing the Act of 1726 (*for the better setling the Courts of Justice*) as to that part which appoints the Chief Justice to go his circuits and preside in those Courts was very apparent, for the Justices who before were appointed being bred up only in planting affairs and knowing neither law nor practise became a ridicule to the lawyers, subjected themselves to prosecutions by their unskillfulness and committed so many errors, that there would have been no end of rectifying them, but as to the latter part which took away the summons, the Council consented to pass it for this political reason to prevent if possible the large credit that is usually given in this country, but have since found that it has no ways answer'd the end and is attended with this worse inconveniency, that the trading interest cannot now by any means get in their debts, for where a person

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conceals himself, wee have no process of outlawry, so that the goods of the debtors as well as their persons are protected against their creditors and their lands never made subject or lyable to ye payment of their debts as yet. *Pray that* these Acts may be repealed, and that, if it be found convenient to continue the Court at Beaufort and that in Craven County by reason of the remote distances, "that then such Courts may be established by virtue of your Majesty's Royal Comission and Instructions to the Governor directed and not by virtue of any Act of Assembly, and that your Majesty's Cheife Justice may be appointed to hold the same by virtue of H.E.'s Comission only and not in pursuance of any directions of any act of Assembly" *etc. Endorsed, as preceding.* 4 *pp.* [*C.O.* 5, 361. *ff.* 13, 14–15*v.*, 16*v.*]

July 31. Whitehall. **854.** Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations their representation of 20th May concerning quit-rents, in the two new counties of Virginia, "to reconsider the same, and to lay before the Committee a state of the fact, and also an account of the number of acres that have been so taken up, for which no quit-rents or purchase of rights have hitherto been paid, together with the amounts of such rights and quit-rents *etc.*, and report what they consider advisable to be done thereupon." *Signed,* Edward Southwell. *Endorsed,* Recd. 6th, Read 7th Aug., 1729. 1½ *pp. Enclosed,*

854. i. Copy of Representation of 20th May.

854. ii. Copy of Lt. Governor Gooch's letter, 6th Nov., 1728. [*C.O.* 5, 1322. *ff.* 1–2, 3–5, 8*v.*]

July 31. Whitehall. **855.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations. *Signed and endorsed as preceding.* 1 *p. Enclosed,*

855. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. May 12, 1729. Enclose following, relating to waste of woods in New England, for H.M. Instruction thereupon. 3 *signatures. Copy.* 1 *p.*

855. ii., iii. Copies of letters from Mr. Haley, 6th March, Mr. Slade, 28th Feb., to Col. Dunbar. *v.* 21st April, *supra.* [*C.O.* 5, 870. *ff.* 257, 258, 259–263, 266*v.*]

July 31. **856.** Order of Committee of Council. Referring following to the Council of Trade and Plantations to examine into the allegations thereof, and report their opinion thereupon. *Signed,* Edward Southwell. *Endorsed,* Recd. 6th, Read 7th Aug., 1729. ½ *p. Enclosed,*

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856. i. Address of Council of N. Carolina to the King. *v.* C.S.P. Dec. 12, 1728. *Copy.* 6 *pp.* [*C.O.* 5, 1267. *ff.* 70, 71–73*v.*, 75*v.*].

July 31. Whitehall. **857.** Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed and endorsed as preceding.* ¾ *p.* *Enclosed,*

857. i. Lt. Governor Sir R. Everard to the Duke of Newcastle. *Abstract.* Refers to letter of Jan. transmitting copy of his order to Mr. Lovick, Secretary under the Lords Proprietors, forbidding him to issue any more patents for lands, after hearing that H.M. had purchased the soil *etc.* Lovick has disregarded this order, and the Governor therefore repeated his commands in Council, 31st March, "at which time the Members of my Councill broke up in great pett, and have not since been so mannerly as to give me an answer, but caviled with me concerning my authority in case of vacancy in appointing a Provost Marshall which occasioned an entire overthrow of all proceedings in Chancery *etc.* There have been for several years past very corrupt doings in the Secretary's office concerning the lands, transacted by Lovick and Edwd. Moseley, Surveyor Genl." *etc.* *Proposes* appointment of a Receiver Genl. of the Quitrents with a power of inspecting into the clandestine disposal of lands *etc.* *Set out,* N.C. Col. Rec. III. 26. *Signed,* Richd. Everard. *Without date.* *Copy.* 1¾ *pp.* *Enclosed,*

857. ii. Minutes of Council of N. Carolina, 31st March, 1729. *Copy.* 3½ *pp.* [*C.O.* 5, 1267. *ff.* 76, 77–79*v.*, 82*v.*].

July 31. Whitehall. **858.** Council of Trade and Plantations to the Lords of the Committee of the Privy Council. Represent that they have considered the complaints referred to them, 2nd July, and discoursed with several persons well acquainted with S. Carolina, "by whom we are confirm'd in the truth of the several facts and complaints in the sd. papers contain'd, whereby we have great reason to believe, that the Province is in the utmost confusion, which in our humble opinion can be no otherwise redressed, but by the speedy appointment of a Governor; and whenever we shall receive H.M. commands for preparing a Commission and Instructions for such a Governor, the papers referred to us by your Lordships will be of great use for the forming of Instructions on that occasion." [*C.O.* 5, 400. *pp.* 243, 244.]

Aug. 2. New York. **859.** Governor Montgomerie to Mr. Delafaye. *Abstract.* *Encloses* copies of papers sent 30th June. *Hopes* that the matter will be laid before H.M. and that it will plainly appear that, as the Council declares, he has acted according to his instructions and according to precedents *etc.*, and could have no private view of making one shilling by the savings, but was endeavouring to reduce the expenses of the government to answer the revenue granted by the province, in order to prevent the inconveniencies that made some of his predecessors very uneasy, and provok'd some of H.M. subjects so far, that at his arrival the only argument used against setling the revenue for five years was, that perhaps part of it would be squandered away to support useless officers *etc.* Requests his support in obtaining approval of Philip Courtland in place of Lewis Morris in the Council *etc.* *Refers to following letter* and asks him to speak to some of the Lords of Trade on the matter of paper money *etc.* *Signed,* J. Montgomerie. *Endorsed,* R. Oct. 3rd. *Holograph.* 4 *pp.* *Set out,* N.Y. Col. Doc. V. *p.* 888. *Enclosed,*

859. i. Copy of *No.* 860.
859. ii. Copy of *No.* 799.
859. iii. Copy of *No.* 799 i.
859. iv. Copies of *Nos.* 799 i.–iv. [*C.O.* 5, 1093. *ff.* 86–98*v.*, 100–103, 106–115, 118, 118*v.*].

Aug. 2.
New York.

860. *Same* to the Council of Trade and Plantations. *Abstract*:—Gives at length his reasons for his agreeing with Governor Burnet and differing from the Board in the matter of the Act of New Jersey *for appropriating a part of the interest money etc. cf.* 20th Nov. 1728, and concludes by representing that if they insist on their Instruction to him of sinking the interest money or detaining it in the Treasurer's hands, till the paper credit ends, the Government of New Jersey will in all probability remain unsupported from Sept. 1730, when the present revenue expires, to Sept. 1736, and suggests that this is risking too much. He must delay meeting the Assembly till he has their answer, *etc.* *Set out,* N. J. Archives, 1st Ser. V., 249, *and* N.Y. Col. Doc. V., 889. *Signed,* J. Montgomerie. *Endorsed,* Recd. 2nd Oct., 1729, Read April 22nd, 1730. $11\frac{3}{4}$ *pp.* [*C.O.* 5, 972. *ff.* 191–196*v.*, 197*v.*].

Aug. 7.
Whitehall.

861. Council of Trade and Plantations to Governor Worsley. *Acknowledge* letter of 7th April. *Have recommended* Mr. Davers and Leslie *etc.* (*v.* June 4). *Continue*:—What you say with respect to the Assembly's complaints against you will be considered when we have an opportunity of hearing what the Agent for the Assembly and your Attorny have further to offer. We have lately had under our consideration an act passed at Barbados in 1728, to reduce the rate of intrest, upon which we have some doubts; For this act establishes the rate of intrest to be at 8 pr. cent. per annum upon all contracts

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made after the 24th of June last, and repeals the acts which allow 10 pr. cent. before that time, upon which we apprehend some dificulty may arise as to the validity of contracts made upon the former acts, because everything enacted by the 10 pr. cent. acts is by the present act made void. An act of this nature may be of general advantage to the island, but we think it ought to be cautiously worded, to prevent disputes; and therefore we desire you will consult the Learned in the Law with you whether this act be intirely free from the abovementioned objection, and in the meàn time we shall let it ly by. *Acknowledge* letters of 1st and 15th and *acquaint* him with their letter of 20th June to the Duke of Newcastle. *Continue*:—The same is now under consideration of the Council and we shall send His Grace copies of your two last letters and of the papers therein referred to for the further information of the Council in this matter. *Signed*, Your very loving friends and humble servants *etc.* [*C.O.* 29, 15. *pp.* 112–114.]

Aug. 7. Whitehall. **862.** *Same* to the Duke of Newcastle. Enclose copies of letters referred to in last paragraph of preceding. *Autograph signatures.* 1 *p.* *Enclosed*,

862. i. Copy of letter from Governor Worsley to Council of Trade and Plantations. 1st June, 1729.

862. ii. Copies of Mr. Reeve's opinions, 15 Jan., 1727, 1st Feb., 1728. (*v.* 20th April.) 1 *p.*

862. iii. Copy of letter from Governor Worsley to the Council of Trade and Plantations, 15th June, 1729. 1 *p.* [*C.O.* 28, 40. *Nos.* 4, 4 i.–iii.; *and* (*without enclosures*) 29, 15. *p.* 114.]

Aug. 7. **863.** Tho. Lowndes to Mr. Popple. The Assembly of Pensilvania has lately laid a duty of 40*s.* pr. head upon every Palatin, that shall for the future arrive in that Province. So that now their Lordships have it in their power to settle Carolina, with an industrious honest race of people. There is also gone to S. Carolina a few Palatins (by commission from their countrymen) in order to send home an account of the place *etc.* It would be much for the service of the publick, if their Lordships would immediately recommend to the President and Counsel the using those persons with humanity and kindnesse. *Signed*, Tho. Lowndes. *Endorsed*, Recd. 8th, Read 12th Aug., 1729. *Addressed. Holograph.* 1 *p.* [*C.O.* 5, 361. *ff.* 24, 24*v.*]

Aug. 11. Kensington. **864.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report as soon as possible, "the King's service requiring that no time should be lost in erecting the proper buildings upon that island for

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the service of the Navy" *etc.* *Signed,* Holles Newcastle. *Endorsed,* Recd., Read 13th Augt., 1729. 1 *p.* *Enclosed,*

864. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. Admty. Office, 9th Aug., 1729. We have purchased Linches Island on the N. side of Jamaica *etc.*, but there being 20 acres on the E. end included in the 30,000 acres taken from the respective Proprietors of Jamaica, by an Act of Assembly there, and there being an absolute necessity the Crown should have the whole of Linches Island for the use of the Navy *etc.*, *Pray that* H.M. may direct Governor Hunter to invest them with the said 20 acres, that so it may be built, and improved, to the intention of the aforesaid Act *etc.* *Signed,* Torrington, Jno. Norris, T. Lyttleton. *Copy.* 1¾ *pp.* [*C.O.* 137, 18. *ff.* 32, 33, 33*v.*, 35*v.*]

Aug. 13. Whitehall. **865.** Mr. Wheelock to Sir Philip Yorke and Charles Talbot, Attorney and Solicitor General. Encloses, for their opinion in point of law act of Montserrat, *for establishing a Court of King's Bench etc.*, and an act *of limitations etc.* [*C.O.* 153, 15. p. 29].

Aug. 14. Whitehall. **866.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following, in reply to *No.* 864, to be laid before H.M. *Autograph signatures.* 1 *p.*

866. i. *Same* to the Queen, Guardian of the Kingdom *etc.* *Quote* Act of Jamaica *for settling the N.E. part of the Island* allotting for a town, the 20 acres on Ruthers or Lynchs Island, now required for a fort. *Conclude:* We have no account of any grants made thereof pursuant to said Act *etc.*, but as grants may have been made, tho not come to our knowledge, it will in that case be necessary to have regard to persons who have acquired a property under such grants, and likewise as the limitations and restrictions of the said Act for granting the *said* 20 acres, may not suit with the dispositions which may be judged necessary for fortifying and securing the Island, we therefore, for avoiding all doubts and difficulties, that may possibly arise, are humbly of opinion that your Majesty's Royal pleasure be signifyed to Major Genl. Hunter to recommend to the General Assembly to pass an act for vesting the said 20 acres absolutely in the Crown without limitation, and to make satisfaction to such persons already settled there (if any such there be) whom it may be necessary on this occasion to remove; and we cannot apprehend there will be any difficulty in obtaining an Act for these

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purposes, as manifestly tending to the advantage and protection of the Island. *Autograph signatures.* 3 *pp.* [*C.O.* 137, 47. *Nos.* 12, 13; *and* 138, 17. *pp.* 275–280.]

[Aug. 14.] **867.** Merchants trading to the British Colonies in America to the Council of Trade and Plantations. Wee are fully convinced of the wisdom and good tendency of the Act *for ascertaining the price of coins etc.*, to prevent the draining of species from one place to another, which if it had been duely observed, and properly enforced by all Governours, wou'd have prevented the misfortunes and injustice the good and well-meaning traders, widows and orphans have been subjected to, where paper money hath been introduced by designing men, to defraud their creditors. *Pray that* the said paper currencies be reduced and abolished and the Proclamation payments restored in their full force and vertue conformable to the said Act and the many orders of the King and Council to all Governours, and particularly those of South Carolina. *Signed,* John Lambert, Steph. Godin, John Hewlett, Jos. Wyeth *and* 28 *others. Endorsed,* Recd. (from Mr. Godin) 14th Aug., 1729, Read 12th March, 17$\frac{29}{30}$. 1 *p.* [*C.O.* 5, 361. *ff.* 52, 52*v.*]

[Aug. 14]. **868.** Additional Instructions proposed for a Governor of South Carolina. *Endorsed as preceding.* 2½ *pp.* [*C.O.* 5, 361. *ff.* 53–54*v.*].

Aug. 14. Whitehall. **869.** Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to order of 31st July have reconsidered their letter of 20th May *etc. Quote from* their representation, C.S.P. 12th May, 1727, upon Col. Spotswood's petition with regard to taking up lands in Virginia, and Order of Lords Justices in Council on that subject, 6th Aug. 1723. *Continue*:—As to the number of acres taken up in the two new counties, for which no quit-rents or purchase of rights have hitherto been paid *etc.*, we have no accounts of the lands granted in Brunswick County, which we believe to be but inconsiderable, from what the late Lt. Govr. Drysdale and Major Gooch have written to us upon that subject. But we have in our Office two accounts transmitted to us by Major Drysdale, relating to the number of acres taken up in Spotsylvania county; the first is a list of all the patents issued for land in Spotsylvania county, dated 24th Jan., 1723, the other of land belonging to Colo. Spotswood in Spotsylvania county *etc.*, (copies enclosed). The number of acres contained in the first of these is 208,733, and in the second, 86,650. But forasmuch as two of the grants in trust for Colo. Spotswood, of 40,000 and 19,786 acres, are contained in the first general account, the total will be 235,597 *etc. Quote* order in Council of 1st Feb. 1729. *By* the aforementioned account from Mr. Drysdale, there appear to be granted, exclusive of those to Colo. Spotswood, and of 1000 acres for which each patentee was exempted from rights and from quit-rents for the 7 years ending 1st May, 1728, according to the directions in the Lords Justices' order (6th Aug. 1723), 120,330 acres, the purchase rights whereof, if payd in money at 5*s.* per acre for 50 acres would amount to £601 13*s.*, and ye quit-rents of ye same, at 2*s.* pr. 100 acres pr. ann. for the whole seven years to £842 6*s.* 2*d.* *etc.* As H.M. has already been graciously pleased to confirm the grants made to Colo. Spotswood by his order in Council, 1st Feb. 1729 *etc.*, we should submit to your Lordships whether the like indulgence might not in some measure be extended to the other grantees of lands in Spotsylvania country, upon the conditions suggested in Major Gooche's letter, that is to say, that they should be permitted to hold their lands, and be excused from the rights on payment of the seven years quit-rents now in arrear, which will amount to a larger summ than the rights would do, tho' the same were payd in mony, which seldom happens, because the planters are at liberty to produce importation rights in lieu thereof. But on the other hand, as we were formerly of opinion that these grants should not be exorbitant in their quantity, we would humbly propose that this indulgence, in case H.M. shall approve thereof, should be restrained to grants of 6000 acres or under, including therein the one thousand allowed of by the Lords Justices' orders for settling these counties, and that whosoever shall be desirous to hold more than 6000 acres, shall pay both the same rights and quit-rents for every acre exceeding that number, as lands in any other part of Virginia are lyable to. We are the rather inclined to this proposition, because we find by Mr. Gooche's letters, that greatest part of these lands are already settled, and that a quit-rent will from thence immediatly become payable to H.M. [*C.O.* 5, 1366. *pp.* 38–47.]

[Aug. 14]. **870.** Extract of a letter from France. Two or three merchants of Rouen have received permission to settle a little Island near the northern extremity of Gaspey in Newfoundland, to establish a cod-fishery there. They have despatched thither a fleet with about 200 peasants. They hope next year to send five or six ships with people *etc.* *Endorsed,* Recd. (from Mr. Stephen Godin) 14th Aug., Read 17th Sept., 1729. *French. Copy.* ¼ *p.* [*C.O.* 194, 8. *ff.* 222, 222*v.*]

[Aug. 15]. **871.** Capt. Burrington, late Lt. Governor of N. Carolina, to the Lords Proprietors of Carolina. *Abstract. Refers* to his report on the state of the country and papers sent by him 1½ years ago by Mr. Durley, who, he now learns gave them to Lovick's brother in London, or destroyed them. On his return from his first journey to Cape Fair River he also sent them a description of that part of Carolina and his intention to return there to induce people to settle on that river, as well as a large relation of the conduct of Chief Justice Gale and Secretary Lovick *etc.* and of the law-suit concerning Mr. Eden's will *etc.* During the two years he has been in Carolina he has only received one letter in answer to some hundreds sent to England *etc.* At his first coming there was a great mortality among the cattle and most planters lost above half their stocks, *etc.* A mighty storm in the preceding autumn destroyed their corn, so that there was almost a famine, the year following on 19th Aug., another storm had the same effect. These mischievous winds raised the price of corn to five times the usual rate, pork from 45*s.* per barrel to 5 or £6. Nevertheless 1000 families came to live in Carolina during his administration. The militia was in strange disorder, in most places no officers, in others very unfit persons. This he regulated to the satisfaction of all. The Justices of the precinct Courts were mostly illiterate and of no authority. He persuaded Col. Moseley and other Gentlemen to preside in the Courts of the precincts where they lived, whereby Justice was established and disorders in those Courts, very frequent before, immediately ceased. No complaints have been made against any officer, civil or military, since these new Commissions were granted. This year there is great plenty of provisions and grain, and everything is at a low rate, but he has not heard of one man come to live in the country since the change of Government. He expected 5 or 600 families in the new country, but fears that not above a tenth part of that number will now come. Sir R. Everard came in July and took the Government without acquainting him of his Commission. He had prepared to entertain him, but his incivility saved him that trouble. Out of respect for the Proprietors' interest and the good of the country, however, he warned him against following the advice of Gale, Lovick and their gang, but his advice was treated with ridicule *etc.* Sir R. is overthrowing all order and good Government, and many gentlemen are resigning their Commissions *etc.* *Continues*:—Great improvements have been made since I knew the country in husbandry, the unsettledness of trade has been the subject of my discourse many days among the most substantial men, the conclusion ended in a resolution to buy vessels and carry on a sufficient trade to Jamaica to supply the country with rum, molossus, and salt etc. My removal has put an end to this, and many other designs, several masters who sailed their own vessels had bought land with design to settle their familys here have now changed their minds *etc.* There is in the hands of the publick Treasurer and Receivers above £2000 although there has been no tax besides the common levy of 5*s.* pr. head, which before my time did not defray the

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publick charges. Refers to his hardships and expenses by land and water. All his expeditions were at his own expense. He brought a large family of servants whom he maintained out of his own stock. His salary, fees and perquisites were not worth more in 18 months, than he could have made £100 well laid out in England to produce here. "This was occasioned by some Acts of Assembly passed the November before my evil destiny brought me into Carolina. I know but one thing your Lordships can take amiss from me, which was my appointing Naval Officers. Dunstan's ill behaviour obliged me to do so, besides you well know it was my right" etc. Is only staying in Carolina in expectation that the complaints of Gale and Lovick will be sent there, which he will be able to prove false and scandalous. The lawsuit between Mr. Lloyd and Lovick has been the chief occasion of difference there. A large part of Governor Eden's estate has gone into the hands of affidavit men and others as bad. He is at a loss to know why their Lordships removed him from the governorship *etc.* *Printed,* N.C. Col. Rec. III. 27. *Signed,* Geo. Burrington. *Without date. Endorsed,* Recd. (from Capt. Burrington) 15th, Read 26th Aug. 1729. *Copy.* 4 *pp.* [*C.O.* 5, 1267. *ff.* 97–98*v.*]

[Aug. 15]. **872.** Journal of Assembly of N. Carolina, 1st Nov. 1725—13th April, 1726. *Endorsed as preceding.* 26 *pp.* [*C.O.* 5, 1267. *ff.* 83–95*v.*, 96*v.*]

[Aug. 15]. **873.** Copy of a bill prepared in 1725 for taking off the enumeration of rice from the Plantations in America. *Endorsed,* Recd. (from Mr. Cary) Read 15th Aug., 1729. 7 *pp.* [*C.O.* 5, 361. *ff.* 26–29*v.*]

Aug. 16.
Treasury Chambers.

874. Mr. Scrope to the Council of Trade and Plantations. The Lords Commissioners of H.M. Treasury upon enclosed petition do agree that the sum claimed be incerted on the next quarterly bill of incidents for your Office *etc.* *Signed,* J. Scrope. *Endorsed,* Recd. 16th Aug., Read 23rd Sept., 1729. ¾ *p.* *Enclosed,*

874. i. Petition of Henry Horridge, letter carrier to the General Post Office, to the Lords Commissioners of H.M. Treasury. Applies for payment of postage paid by him to the General Post Office on letters delivered to the Board of Trade before the decease of His late Majesty *etc.* (*v.* Jan. 27). There being no cash that goes through their hands but by the order of the Lords of the Treasury, the Lords Commissioners of Trade have referred petitioner to them *etc.* 1 *p.* [*C.O.* 388, 79. *Nos.* 48, 49.]

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Aug. 18.
Portsmouth.

875. Mr. Missing to the Council of Trade and Plantations. Refers to letter of 23rd Sept. 1728, and enquires as to H.M. intentions with regard to the peopling of South Carolina, in order that he may make an offer for a contract *etc.* *Signed,* Tho. Missing. *Endorsed,* Recd. 18th Aug., 1729, Read 13th March, 17$\frac{29}{30}$. 1 *p.* [*C.O.* 5, 361. *ff.* 74, 75*v.*]

Aug. 18.
Kensington.

876. Order of Queen, Guardian of the Realm, in Council. Referring following to the Council of Trade and Plantations, who are to prepare an instruction for Governor the Earl of Londonderry. *Signed,* Jas. Vernon. *Endorsed,* Recd. 22nd, Read 26th Aug., 1729. 1¼ *pp.* *Enclosed,*

876. i. Lords Commissioners of the Admiralty to the King. Admiralty Office, 25th July, 1729. Having given orders for building two storehouses *etc.* at English Harbour, Antegoa, for the more convenient cleaning and refitting of H.M. ships, request that the Council of the island may be directed to secure by an act water for them, particularly at Douglas's well, escheated lands near the harbour, and fuel at reasonable rates, and to oblige themselves to maintain the fortifications they have proposed for the security of the harbour, according to assurances given by the merchants to the Navy Board *etc.* *v.* A.P.C. III. *No.* 185. 4 *signatures.* *Copy.* 1½ *pp.* [*C.O.* 152, 17. *ff.* 86, 86*v.*, 87, 87*v.*, 89*v.*]

Aug. 18.
Kensington.

877. Order of Queen *etc.* in Council. Objection having been made by merchants trading to the Leeward Islands that the duties laid by the Acts of Antigua, Nevis and St. Kitts for settling additional salaries for Governor Lord Londonderry, are to arise chiefly from the shipping trade of Great Britain, Ordered that the said acts do lye by, and that the Governor do endeavour to obtain Acts of Assembly for raising duties in some other manner *etc.* *v.* A.P.C. III. *No.* 170. *Signed,* Ja. Vernon. *Endorsed,* Recd. 20th, Read 23rd Sept., 1729. 4½ *pp.* [*C.O.* 152, 17. *ff.* 98–100, 101*v.*]

Aug. 18
Kensington.

878. Order of Queen *etc.* in Council. Confirming Act of St. Christopher to subject all goods of the growth and produce of the late French part shipped off to the 4½ p.c. duty *etc.* *Signed, and endorsed as preceding.* 2 *pp.* [*C.O.* 152, 17. *ff.* 102, 102*v.*, 103*v.*]

Aug. 18.
Kensington.

879. Order of Queen *etc.* in Council. Repealing Act of Virginia *for laying a duty on slaves imported and for appointing a Treasurer. Signed and endorsed as preceding.* 1½ *pp.* [*C.O.* 5, 1322. *ff.* 27, 27*v.*, 28*v.*]

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Aug. 18.
Kensington.

880. Order of Queen *etc.* in Council. Approving the new seals for Barbados, Jamaica, Virginia and Carolina, and ordering the Council of Trade and Plantations to prepare draughts of warrants for transmitting them to the Governors, empowering them to make use thereof, and requiring them to return the old seals in order to their being defaced *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 22nd, Read 26th Aug., 1729. 1 *p.* [*C.O.* 28, 21. *ff.* 12, 13*v.*]

Aug. 18.
Kensington.

881. Order of Queen *etc.*, in Council. Upon the report of the Attorney and Solicitor General that the Act of Barbados, 1722, *for supporting the honour and dignity of H.M. Government* is still in force and not determined, the same being directed to have continuance for so long time as Mr. Worseley should continue to be H.M. Governor in Chief of the said Island, and in that quality personally reside there, and his authority as Governor having been continued by virtue of the Act 6th Anne [for continuing officers six months after the demise of the Crown] and H.M. Proclamation of 5th July, 1727, to the time that the new commission granted to him by his present Majesty took place, without any interruption *etc.*, Ordered that the said Act doth still continue in full force, and that the Governor do signify H.M. commands to all persons concerned therein, that they yield due obedience thereto, as they will answer the contrary *etc.* Set out, A.P.C. III. *pp.* 232, 233. *q.v.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 20th, Read 23rd Sept., 1729. 4 *pp.* [*C.O.* 28, 21. *ff.* 14–15*v.*, 16*v.*]

Aug. 18.
Kensington.

882. Order of Queen *etc.*, in Council. Upon report of Council of Trade upon Lord Micklethwait's petition, ordered that the Governor of Barbados do, with the Council, examine and settle petitioner's account for money due to him for fees as Secretary, and that the Governor do recommend to the Assembly the immediate payment of what shall be found due to him, upon proper vouchers, according to the usual fees *etc.* *Signed, and endorsed as preceding.* 2 *pp.* [*C.O.* 28, 21. *ff.* 18, 18*v.*, 19*v.*]

Aug. 18.
Oxford
att
St. John's

883. Commodore Lord Vere Beauclerk to Mr. Popple. Capt. Osborne is att Trinity, from whence he may not have an opportunity of writing *etc.* Before he left this place, he appointed three Justices of the Peace for this district, for as there are not in every town people of sufficient character and capacity to entrust with the power of a Justice, he has putt several towns into one district, as into this the towns of St. John's, Quidividy, Torbay, Petty Harbour and the Bay of Bulls, for which the three Justices are Mr. William Keen, Mr. William Weston and Mr. Allen Southmayde, besides which he appointed two or more constables, according to the number

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of inhabitants, in every town, to these Justices he delivers the books which I receiv'd from your Office, he will trouble you with the receipts when they are all deliver'd. The inhabitants seem pleas'd with what has been done, and indeed I hope it will be of service to the Fishery. There is this year great plenty of fish, and a great deal of good weather to cure it, so there are no complaints but want of ships to fetch it away. *Will send scheme of fishery when complete etc.* " If I can be of any service to you in my voyage, I hope you will be so good as to command me " *etc.* *Signed,* Vere Beauclerk. *Endorsed,* Recd. 12th, Read 16th Sept., 1729. 3 *pp.* [*C.O.* 194, 8. *ff.* 220–221*v.*]

Aug. 27. Whitehall. **884.** Mr. Wheelock to Lt. Governor Pitt. *Acknowledges* letter of 30th April and acquaints him with the Board's letter of July 16. [*C.O.* 38, 8. *p.* 148.]

Aug. 27. Whitehall. **885.** Mr. Wheelock to Mr. Burchett. Requests copies of proposals of the Council of Antigua or merchants trading thither concerning fortifications at Antigua, and papers relating to assurances given by the merchants to the Navy Board relating to the repair thereof *etc.* *v.* 18th Aug. [*C.O.* 153, 15. *p.* 30.]

Aug. 28. Admiralty Office. **886.** Mr. Burchett to Mr. Popple. In reply to preceding encloses following offered as inducements for the Lds. Commrs'. resolution (*v.* 18th Aug.). *Signed,* J. Burchett. *Endorsed,* Recd. 28th Aug., Read 2nd Sept., 1729. 1 *p.* *Enclosed,*

886. i. Speaker of Assembly of Antigua to the Lords Commissioners of the Admiralty. Antigua, 28th Feb., 1727. The Representatives *etc.* beg leave to lay before your Lordships the natural and improved advantages of the port of English Harbour *etc.*, the security that may attend H.M. ships of war therein and a protection thereby given this and H.M. Leeward Islands, and European trade to the same. H.M. ships of the largest size may in our most tempestuous weather ride in that harbour without the possibility of injury, and by the assistance of a wharf already made may careen and refit in the same manner they can in any port in Great Britain without the use of a dock; and to prevent surprize from an enemy the Legislature is now building a fort to command the entrance *etc.*, and by a law transmitted for H.M. assent hath vested in H.M. for the use of H.M. ships and the said harbour 20 acres of land contiguous thereto, that such storehouses and hospitals may be built thereon *etc.* as your Lordships shall judge most proper. These advantages we are perswaded will engage your Lordships to comand H.M. ships on the stations of Barbadoes

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and Leeward Islands to careen and refit in English Harbour and wait the hurricane months in that port, and we humbly hope *etc.* in case of a war with France, to send us a number of ships sufficient to protect us against the power of so near neighbours and thereby enable us to preserve this Island which is the only one of H.M. Colonies provided by nature with harbours, and therefore of the highest consequence to the trade and Crown of Great Britain *etc.* *Signed,* Geo. Thomas, Speaker. *Copy.* 2⅓ *pp.*

886. ii. An account of what the Island of Antigua have done or will do towards perfecting English Harbour. (i) Almost completed a fort which will cost £900 Antegoa money (£200 sterl.). (ii) Made a pond for fresh water for H.M. ships (£200 sterl.). (iii) Have begun a magazine to hold 3 or 400 barrels of powder (£200 sterl.) (iv) Given 25 acres of land lying round the harbour for the use of H.M. (£250). ¾ *p.*

886. iii. Memorial of John Yeamans, Agent for Antigua, to the Lords Commissioners of the Admiralty. July, 1728. Submits above considerations and prays for orders to be given accordingly. *Copy.* 1½ *pp.* [*C.O.* 152, 17. *ff.* 90, 91–92, 93, 95, 95*v.*, 97*v.*]

Aug. 29.
Bermuda.
887. Lt. Governor Pitt to the Duke of Newcastle. To same effect as following. *Signed,* John Pitt. *Endorsed,* R. 30th Sept. 1 *p.* [*C.O.* 37, 29. *No.* 7.]

Aug. 29.
888. Lt. Gov. Pitt to the Council of Trade and Plantations. In my letter of July 11th I enclosed several coppys of the Acts of Assembly made here since my arrivall *etc.* *Encloses* duplicates and of some made in the late Governour's time, with Minutes of Council ever since his arrival *etc.* *Concludes* :—These comes by H.M.S. *Success etc.* *No signature.* *Endorsed,* Recd. 30th Sept., 1729, Read 22nd July, 1730. 1 *p.* [*C.O.* 37, 12. *ff.* 40, 43*v.*]

Aug. 29.
New York.
889. Governor Montgomerie to the Duke of Newcastle. *Abstract.* His recommendation of Lt. Andrew Nicoll for the command of the company vacant by the death of Major Symes not having been accepted, he recommends him for Lt. Captain. *Signed,* J. Montgomerie. *Endorsed,* R. Aug. 23rd. *Holograph.* 2 *pp.* *Enclosed,*

889. i. Copy of following. [*C.O.* 5, 1093. *ff.* 120, 120*v.*, 121*v.*–125*v.*]

Aug. 29.
New York.
890. *Same* to the Council of Trade and Plantations. *Abstract.* Encloses duplicate of Aug. 2 and gives an account

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of 12 acts passed in the last session of Assembly of New York. (i) To *revive an act to prevent desertion from H.M. forces etc.* (ii) *continuing the currency of bills of credit struck in* 1720 *etc.* (iii) *continuing the act to farm the excise.* (iv) *continuing the act to empower the Justices living in Schenectady to regulate the streets and highways and prevent accidents by fire.* (v–vii) *acts for laying out, regulating etc. publick highways in Suffolk, Ulster and Albany counties.* (viii) *ascertaining the allowances of Representatives in Suffolk County.* "Every County of the Province is by some act or other obliged to pay their representatives, but some of them agree before hand to serve for nothing, others make bargains at a rate under what they suppose they are authorized to demand. Others again make higher demands, than the supervisors of the county think they are intitled to, some demanding ten shillings and getting it, others contenting themselves with six shillings because they can get no more. In this county of Suffolk, some disputes having lately arose about their Assembly men's wages, upon the construction of the several acts, this was obtained to put an end to that dispute" *etc.* (ix) *For naturalizing John Frederick Gunter and others.* (x) *For the effectual recovery of the arrears of several taxes etc., and for securing the duties on slaves not imported into the City of New York.* (xi) *Continuing acts for discharging the present demands on the trading house at Oswego.* In great part of the same nature with that passed last year *etc.* "The expence for the maintenance of the Garrison is reduced to a pretty good certainty by contracting with an able person for supplying it *etc.* By this prudent provision, if the arts of designing men do not find ways to illude the intentions of the act, the furr trade will be in all probability vastly encreased, by the encouragement the remote nations of Indians will have to bring their furrs to Oswego, when they shall be informed of the protection that the Government has given them against the wonted abuses of the Handlers or Traders, who formerly wrested their furrs from them and then obliged the poor Indians to take what they were pleased to give them" *etc.* (xii) *An act for raising £730 etc.* Half the sum is laid upon the town of York, because that place is supposed to reap the greatest benefit of the Act of Parliament thereby intended to be obtained, but in reality the whole sum designed by them for the obtaining that act is laid upon the town, besides a proportion for the other services mentioned in it. With this act goes a memorial to the Treasury for an act of Parliament allowing the importation of foreign salt for our fishery. (xiii) Act *for licensing hawkers etc.* *Signed,* J. Montgomerie. *Endorsed,* Recd. Oct. 22nd, Read 13th Nov., 1729. 6½ *pp.* *Printed,* N.Y. Col. Doc. V. *pp.* 894–896. [*C.O.* 5, 1055. *ff.* 29-32*v.*].

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Aug. 29.
New York.

891. *Same* to Mr. Delafaye. Returns thanks for most obliging letter giving fresh proofs of his friendship. " I am very sensible that My Lord Duke, Mr. Pelham and you did all you could for me in this affair " (the disposal of the Company) *etc.* as in letter to D. of Newcastle *supra.* *Signed,* J. Montgomerie. *Endorsed,* R. Oct. 31. *Holograph.* 3 *pp.* [*C.O.* 5, 1086. *ff.* 18–19.]

Sept. 2.
London.

892. Mrs. Dunbar to Mr. Popple. Encloses following received yesterday, in absence of Mr. Dunbar. *Signed,* Mary Dunbar. *Endorsed,* Recd. 3rd Sept., 1729, Read 6th May, 1730. ½ *p.* *Enclosed,*

892. i. Jer. Dunbar to Col. David Dunbar. Boston, July 23rd, 1729. Had hoped to give an account of a trial with the Province of Maine for 2000 logs and 3 masts seized last winter *etc.* The Judge of the Admiralty upon our information above a month ago appointed this day *etc.* The Court was no sooner opened, than the noted Dr. Elisha Cooke began to harangue, and said that tho' he did not claim any of the said loggs, he desired to be heard as a proprietor in that Province, upon which, and his moveing for further time, upon account of the lawyers being all out of town, the hearing is put off till to-morrow. This ship sails to-morrow morning. *Continues* :—I have too much reason to apprehend both from the Judges' infirmityes as a very old man, and his great interest in this country, as well as from a defect in the Charter which obliges us to try it at common law, and in the act of the 8th of King George wch. only prohibits cutting trees without townships wch. we are to try in the Court of Admiralty; that we shall have it given against us, and without there is some further provision made both for the preservation of the timber within and without the townships, it will not be in our power to prevent their ruine. Mr. Slade and I have been as active as possible in rideing about the country ever since my last; I have been up as far as New London, where I have seen very little timber of any value except white oak of wch. there is great plenty, both in Connecticut, and the Narraganset country, and he has been continualy backwards and forwards in Hampshire, and the Province of Maine; marking all the trees that are fitt for the King's use and deterring the country people from cutting them, as soon as ever the tryall is over one of us will go down to Cascoe Bay, where there are 2 mast ships now loading and the other will stay in Hampshire *etc.* *Signed,* Jer. Dunbar. *Holograph.* 3 *pp.* [*C.O.* 5, 871. *ff.* 86, 87–88, 89*v.*].

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Sept. 2.
Whitehall.

893. Council of Trade and Plantations to the Committee of Privy Council. Reply to Aug. 31st. The charges against Depty. Governor Sir Richard Everard being of so high and heinous a nature, with respect to H.M. royal person and government *etc.* but no proofs having been transmitted, *propose* that the Governor, who will presumably soon be nominated for N. Carolina, be directed to make strict enquiries into the truth of them, that exemplary justice may be done *etc.* *Printed,* N.C. Col. Rec. III. 31 ; *and* A.P.C. III. *p.* 248. [*C.O.* 5, 1294. *pp.* 5–7].

Sept. 5.
Kensington.

894. H.M. license (by Queen Caroline) to fell trees in N.E. in pursuance of following contract to bring over 9 ship loads of masts *etc., etc.* as July 14. *Countersigned,* Holles Newcastle. *Annexed,*

894. i. Contract of H.M. Commissioners of the Navy and Ralph Gulston, 4th April, 1726, referred to in preceding. *Copy.* [*C.O.* 324, 36. *pp.* 131–149].

Sept. 6.
Jamca.

895. Governor Hunter to the Council of Trade and Plantations. *Acknowledges* receipt of letter of 27th May and H.M. approbation of the three Acts therein mentioned. *Continues :—* I think these Acts a good foundation for the future security and strength of this Island, if we are not very speedily disturb'd. *Encloses* three Acts passed in the last short session of Assembly vizt. (i) An Act *to inlarge the time for the better raising and collecting the deficiency and poll tax in such parishes as have omitted doing the same ;* (ii) *for the more effectual collecting the outstanding publick debts.* These want no observations. (iii) *to prevent dangers that may arise from disguis'd as well as declar'd Papists.* Tho' the preamble to this Act setts forth briefly the necessity of it, I must observe that although the evil which this act is intended to guard against be of an antient date, as appears by a letter of Sir W. Beeston *etc.* and some attempts made to have such a law pass'd, yet it could not be carry'd through till this juncture, when the necessity of such a law was by many instances self-evident. Our Militia consisting cheefly of hir'd or indented servants and these for much the greatest part of the native Irish by their backwardnesse, mutinys and desertion damp'd or rather destroy'd the hopes I had of their assistance in the defence of the country. But Mr. Loughton the Master of the *Plymouth* having inform'd his Capt. and then me of a discourse he overheard whilst standing at the door of a punch house at Port Antonio which was full of the Militia men, to this purpose, that they had no quarrel with the Spaniard and would not fight against them, but not being able to know or distinguish the persons holding such discourse, I had no remedy but to declare publickly next day that in case of an attempt of the Spaniard to land there, I would order a reserve of negroes in the rear to knock down any man who should

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desert or flye from his ranks, a poor one, but all that was in my power. Colo. Foster a gentleman of the greatest estate in this Island publickly told me that the Irish of his Regiment which make a great part of it had declar'd to the same purpose, that they would not fight against the Spaniard. The conduct of the heads of that Faction, who ev'n before my arrivall had disclosed an avertion to me, and who have ever since sett themselves against ev'rything propos'd or offer'd for the publick safety makes me believe, what I was indeed told, that their plott was much deeper then I imagin'd. I have undoubted proof of a correspondence from hence with the Govr. of Havana tho' I have not as yet been able to discover the persons. I shall only mention the offers that have been made of peopling Port Antonio and the adjacent country from that country (Ireland) as well as other schemes for introducing greater numbers of such into this Island having discourag'd and defeated such projects. My Lords laying these instances together, which I think sufficient for I could give you many more I perswade myself that yr. Lops. will approve of this Act and recommend it to H.M. for his Royal assent. They talk of a purse or contribution here to solicet at home against it. I apprehend little from that. But as it pass'd the Assembly and Council but with one dissenting vote (one of the Kellys) the other mark'd as dissenting having only declin'd his vote because he had not been present at the debates on the readings of the bill, the damning (as they phrase it) of this Act may be attended with consequences which I dare hardly think of. Your Lordships will also receive with this the Minutes of Council and Assembly if they can possibly be got ready before this ship goes. I beg leave to put yr. Lops. in mind of the explanatory Act for setling Port Antonio. That settlement is in a very promiseing way, and the Fort there cary'd on a great way. I sent imperfect sketches to Mr. de la Fay of the harbours and fort. The Ingineer's indisposition has put it out of my power to send yr. Lops. more perfect ones as I had intended. The hurry the Assembly was in to get home to their private affairs oblig'd them to proceed no further then resolves and votes of credit for perfecting the whole, in this session, which yr. Lops. will find in their Minutes. I shall trespasse no further on yr. Lops. patience at this time, but to assure you that in our present slippery situation and, I find, still doubtfull state, I shall do my best for H.M. service *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. 20th Dec., 1729, Read 17th Feb., $17\frac{29}{30}$. 4½ *pp.* *Enclosed,*

895. i. Minutes of Council of War. St. Jago de la Vega, 30th June, 1729. *Same endorsement. Copy.* 2½ *pp.*

895. ii. Extract of letter from Lt. Gov. Sir W. Beeston, 23rd June, 1694. *v.* C.S.P. *No.* 1236. i. *Same endorsement.* 1¼ *pp.* [*C.O.* 137, 18. *ff.* 53–55, 56*v.*–59*v.*, 60*v.*].

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Sept. 6.
Jamca.

896. Governor Hunter to the Duke of Newcastle. On the 17th of this month [*sic*] I had the honour of your Grace's letter of 17th June *etc.* The embargo was taken off on 29th May *etc.* *Continues*:—At the time of the imbargo, few, if any, were loaded or ready, all such as were so, which was but a small number and chiefly Bristol ships having sailed on the 22nd of March, so the great Fleet must, barring accidents, have got home near to the usual time. I assure your Grace I gave no unnecessary alarm. By the laws of the countrey, nothing can be done effectually for its defence but by the means of Martial Law to be publisht by the advice of a general Council of War, which cannot be a secret; I went everywhere alone and without ceremony where the service required me, and never communicated that part of your Grace's letter which I was commanded to impart to St. Lo alone, to any man living; that gentleman was at that time on his death bed and incapable of either reading or writing; the traders themselves will do me the justice to testify the regard and tenderness I have ever shewn for that interest, which I shall ever cherish. I had the honour to write to your Grace lately of our weakness here, which I am afraid is but too publick. The indented servants are rather a drawback than addition to our strength, *etc.* *Refers to enclosed copy of preceding letter.* *Continues*:—The few stores H.M. goodness has sent us are safe arrived and will be usefull. I had provided what I could here. Could we but have the iron work for carriages from the Ordnance, we can provide timber and workmanship here. Fort George at Port Antonio is going on with all the dispatch I can give it, having votes of credit for that purpose *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. Nov. 10th. $2\frac{2}{3}$ *pp.* *Enclosed*,

896. i. Copy of *No.* 895. [*C.O.* 137, 53. *ff.* 170–174.].

Sept. 7.
Virginia.
Wms. burgh.

897. Lt. Governor Gooch to the Council of Trade and Plantations. *Encloses* list of public officers omitted in his last. *Continues*:—The list of the Militia I cannot yet get compleated. The excessive rains which have fallen this summer have greatly damaged the crops of tobacco; and it is generally believed that the quantity will not only be lessened, but that even what is made will prove very indifferent. As the planters and overseers never faile to packe up the very worst they make, whenever their crops fall short, it is the wish of the trading men and of the most judicious planters themselves, that such an inspection was established as I lately had the honour to send to your Lordships, being sensible that no diminution of the quantity will avail to raise the price of tobacco without a due care to prevent the exportation of trash; and that, on the other hand, let the crops be never so plentiful, that tobacco which is really good will always meet a ready sale and an encouraging price. But the misfortune is, that the majority of the House of Burgesses, having other views, are otherwise minded: and therefore I should be glad to receive your Lordships' sentiments on the scheme I have laid before your Lordships as speedily as your Lordships' other important affairs will allow, for I can't think of calling an Assembly, untill I can, if nothing else is done in England, press them by particular authority to come into a regulation of their trade, which I am convinced is so much for the interest of the Crown, and will be for the advantage of the Colony. I can't help observing to your Lordships the great odium I am like to bring upon myself by this work of reformation: and this I was very sensible of when I first sett out, but nothing of that sort, nor anything else, shall ever divert me from doing my duty *etc.* *Signed,* William Gooch. *Endorsed,* Recd. 4th Nov., 1729, Read 12th March, 1731. *Holograph.* 1¾ *pp.* *Enclosed,*

897. i. List of Officers in Virginia in 1729. *Endorsed,* Recd. 4th Nov., 1729. 14 *large pp.* [*C.O.* 5, 1322. *ff.* 124, 124*v.*, 125*v.*–133*v.*, 135*v.*]

Sept. 7.
Portmo' in
New England

898. Lt. Governor Wentworth to the Council of Trade and Plantations. *Announces* death of "our incomparable Governour" on the 5th inst. *etc.* He was greatly honoured and beloved in this Province, which "has lost a good friend, just beginning to lay ye state of the Province before your Lordships in order for a settlement of the line between the two Governments so long depending. He was convinced of the Massachusets unreasonableness to us," *etc.* *Continues*:—In obedience to the King's Instructions to Governour Burnet relating a settled salary we concur'd with, tho' this Province is not above one twelfth part so big as the Massachusets Governmt. is, and we actually pay one fifth part as much, however we do it chearfully because our King has given his Governour such a Instruction. I hope our loyalty will be rewarded. This Governmt. would increase more in two years if the line was settled then it will in ten years, as it now lyes. I suppose Governr. Burnet has or did intend to give your Lordships an account of their usage to a place called London Derry, a settlement of about ten years standing. The people were out negotiating their affairs, and there came up seventy or eighty men armed with their musquets, drove them away from their busieness. This was done by Haverhill men, there was severall men wounded on boath sides, it was thôt two was mortally wounded. Those poor North Brittains had mowed their meadows for seven or eight years and lay between eight and nine miles to the northward of Merrimack river, so that the Massachusets may as justly lay claim to this town of Portsmouth *etc.* They have come up in the night and taken men from London Derry out of their houses without any warrant, and carried them before a Massachusets Justice and he has com-

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mitted them. In fine My Lords, they are vastly in numbers more then we are, which is the reason they use us thus. We mad an agreemt. between the two Governmts. that all prosses should cease and all things stand, till ye line be settled. This agreement was made some time in Aprill last. Wee have strictly kept to it, and they have broke in upon us severall times. Wee made our complaint to Governr. Burnet about twenty dayes past, who appointed a Committee to inspect into the affair ; but suppose all will drop now, therefore pray your Lordships favour that the line may be settled in such manner as your Lordships shall in your great wisdom think proper *etc.* *Signed,* W. Wentworth. *Endorsed,* Recd. Read Oct. 23rd, 1729. 3 *pp.* [*C.O.* 5, 870. *ff.* 279–280*v.*]

Sept. 7. **899.** Extract from preceding letter. ½ *p.* [*C.O.* 5, 931. *No.* 17].

Sept. 9. Kensington. **900.** Duke of Newcastle to Governor Hunter. *Encloses* report of Board of Trade on the purchase of Lynch's Island and *concludes,* it is H.M. pleasure that you do, according to their advice, recommend to the General Assembly of Jamaica to pass an Act for vesting the 20 acres *referred to* in the Crown without limitation, and to make satisfaction to such persons already settled there (if any such there be) whom it may be necessary on this occasion to remove. *Countersigned,* Holles Newcastle. *Annexed,*

900. i. Copy of *No.* 866, *q.v.* [*C.O.* 324, 36. *pp.* 150–155.]

Sept. 9. Kensington. **901.** Duke of Newcastle to Governor Hunter. Draft of preceding. *Signed,* Holles Newcastle. 1⅔ *pp.* [*C.O.* 137, 53. *ff.* 176, 176*v.*]

Sept. 14. St. Christophers. **902.** Lt. General Mathew to the Council of Trade and Plantations. The Earl of Londonderry *etc.* dyd here the 12th inst. His Lordship's papers have not yet been examin'd by his executor, so that I know not what he might have had in command from your Lordships. In few days, I shall have such, if any there be unobeyd, deliver'd to me, which I shall punctually perform *etc.* *Signed,* William Mathew. *Endorsed,* Recd., Read 19th Nov., 1729. *Holograph.* 1 *p.* [*C.O.* 152, 17. *ff.* 104, 105*v.* ; *and* 239, 1. *No.* 39.]

Sept. 14. St. Christophers. **903.** *Same* to the Duke of Newcastle. *Announces* death of Lord Londonderry *as preceding,* and begs for his recommendation for the Governorship. " I have been in the second

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post of this Government fourteen years, twice it has been vacant, and I as often fail'd of the succession" *etc.* *Signed,* William Mathew. *Endorsed,* R. 18th Nov. 1 *p.* [*C.O.* 152, 43. *ff.* 51, 52*v.*]

[Sept. 15.] **904.** Lt. Governor Dummer to the Duke of Newcastle. I think it my duty by this first opportunity to give your Grace the sad account of the death of H. E. William Burnett *etc.* He dyed at Boston after a week's illness of a fever; which soon threw him into a delirium that continued with but short intervalls till his death. I was at my house above 30 miles from Boston whither the Secretary sent me advice of this sudden change, and thereupon immediately repaired to Cambridge where the General Court was then sitting, and qualified myself by taking the oaths appointed for the administration of the Government thus devolved upon me; and after passing an Order for the charges of the Governor's funeral, which was accordingly solemniz the 12th inst. in a manner suitable to his station at the publick expence, I adjourned the Court to the next Tuesday. I am not apprized how far H.E. had informed your Grace of the proceedings upon the late Order in Council referring to H.M. 23rd Instruction. I have therefore inclosed the votes of the last Session which contain the whole of that affair; I would only add to what is in the papers, that upon a division of the House, when the vote was put for settling a salary during the Governour's time, there was but 18 yea's and 54 noes, so that I cannot see the least prospect of having the matter done here; yet as I apprehend that my duty to H.M. obliges me to use my best endeavours that His orders be obeyed, I shall press the Assembly at our next meeting on this point. I shall at no time omitt my duty to inform your Grace of every important affair, and in all things faithfully conform myself to the King's Instructions, and to the utmost of my power promote H.M. interest and honour, and the good of the people of this Province; whilst H.M. shall be pleased to continue me in the command. I have thought fit to drop the let-passes, inasmuch as I cannot find an Act of Parliament or Assembly, by which I can require them to be taken out upon a refusal of the merchants; some of whome I understand have for some time past determined rather to let their vessells lye than take them out. *Signed,* Wm. Dummer. Without place or date. *Endorsed,* R. 4th Nov., 1729. The original and the votes of the Assembly inclosed were sent to the Council Office, Nov. 5, 1729. *Copy.* 2½ *pp.* [*C.O.* 5, 752. *No.* 43; *and* (*duplicate, not verbatim, dated* Sept. 7, *and endorsed,* R. 19th Nov.), 5, 898. *No.* 59.]

Sept. 15.
Boston.

905. *Same* to the Council of Trade and Plantations. Repeats gist of preceding. *Signed,* Wm. Dummer. *Endorsed,*

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Recd. 4th, Read 6th Nov., 1729. *Holograph.* 1⅔ *pp.* [*C.O.* 5, 870. *ff.* 285, 285*v.*, 286*v.*]

[Sept. 22]. **906.** Memorial of John Anderson of St. Christophers, Clerk, to the Council of Trade and Plantations. By an act *for regulating vestries* passed in 1723, part of the former French lands was erected into a distinct parish called St. George Basseterre. Soon afterwards memorialist was upon the petition of the inhabitants presented to serve as rector, which he did till 10th March, 1728, when his parish was forcibly taken from him. By an Act *for regulating vestries* passed in Dec. 1727, a new division was made of all the parishes and two new ones erected, and in particular a great part of the parish of St. George Basseterre was pared away and erected into a new parish by the name of St. Peter Basseterre, to which, tho' greatly detrimental to him, memorialist submitted quietly. But upon pretence that the former act was repealed, the Lieut. General of the Leeward Islands, Mr. Mathew, the minute it was re-erected into a parish, presented the Rev. Mr. Walter Thomas both to that and to the other aforesaid parish of St. Peter Basseterre, altho' he had two other livings in the island *etc.*, and required memorialist in a menacing manner upon a few days warning to resign his church to Mr. Thomas, and on the next Sunday, 10th March, came himself in person and forcibly gave possession to Mr. Thomas. He does not think that the Act intended to deprive him of his rightful property and freehold, and *prays* to be heard by Counsel upon the two acts which now lie before the Board *etc.* *Endorsed,* Recd. 22nd Sept. 1729, Read 24th March 173$\frac{0}{1}$. 2 *pp.* *Enclosed,*

906. i. Act of Antigua, 1727, *for regulating vestries and erecting parishes in Basseterre, and repealing the Act of* 1723 *etc.* *Endorsed,* Recd. 22nd Sept., 1729. *Copy.* 7 *pp.*

906. ii. Governor Hart's institution of the Rev. John Anderson to be Minister of St. George Basseterre *etc.*, 23rd April, 1723. *Same endorsement.* 1 *p.* [*C.O.* 152, 19. *ff.* 33, 33*v.*, 34*v.*, 35, 36, 37, 38, 39, 40, 41, 41*v.*, 42, 43*v.*]

Sept. 23. Whitehall. **907.** Council of Trade and Plantations to the King. In reply to 18th Aug., offer for confirmation Act of Antigua to *invest certain lands in H.M.* etc. and enclose following. (*cf.* A.P.C. III. *p.* 250.) *Enclosed,*

907. i. Draft of Additional Instruction to Governor the Earl of Londonderry *as directed Aug.* 18. [*C.O.* 153, 15. *pp.* 31–36.]

Sept. 24. St. Christophers. **908.** Lt. General Mathew to Mr. Popple. Your letter of 24th July on Lord Londonderry's being dead was delivered to me *etc.* His Lordship's death puts an end to all difficultys on his acts of settlement. As to Mr. Smith's and Mr. Douglass's being plac'd by his Lordship at the Council Board, I presume his Lordship intended Mr. Smith in the place of Mr. Willett, who could not be prevaild with to continue in the Council, and Mr. Douglass in the room of John Bourryeau Esq. decd. Here is now another vacancy, by Col. Phipps retiring, upon their Lordships' deciding the controversy of precedence between him and Joseph Estridge Esq. in favour of the latter. William McDowall, Peter Soulegre, Charles Pym, Edward Mann and James Milliken Esqrs., are all in Europe. So that we have but just five Councillors here beside myself, which is but just a Board, of these Mr. Garnett is now laid up with the gout, and is very often so, and we can meet neither House to do business. There is too a bill depending in the Council by their Lordships' recommendation to amend the Court act in favour of Wavell Smith Esq., to this the Chief Judge has petitioned (in Lord Londonderry's time) to be heard by his Council, before it pass'd, and his Lordship allow'd he should. As Mr. Smith is concern'd, he cannot be one of his Judges, and in this case must retire from the Board, and then there will not be a Council. I beleive in this necessity I must appoint at least one Councillor, under their Lordships and H.M. approbation. My brother Col. Burt being remov'd by their Lordships from this Board, I shall not presume to place him there again. He has been pretty much mortifyd at being under their Lordships' displeasure, who have thought fitt to turn him out of the Council of an island he has been wholly settled in these six years, and yet continue him in the Council of Nevis, where he does not go for above a week in a year, to look to his estate there. But submitts with all duty to their Lordships' will. *Signed,* William Mathew. *Endorsed,* Recd. 27th Nov., 1729, Read 13th Oct., 1730. 2½ *pp.* [*C.O.* 152, 18. *ff.* 7–8*v*.]

Sept. 27.
Barbados.

909. Governor Worsley to the Duke of Newcastle. The conduct of the people of this island is much the same in relation to the 2*s.* 6*d.* tax, as when I had the honour of writing 15th June *etc.*, tho' they are not so violent as they have been, waiting to be set right by H.M. order in Council, whether the law *for supporting the Government etc.* be in force, or not: however the inhabitants of three of the eleven parishes, whose representatives have return'd their lists of negro's heads have paid, and the seventeen other Members of the Assembly have been lately levied on for their forfeitures, and penalties, for not returning their lists by the 12th of April last, as well as the vestry-men of the two towns, that of St. Michael's for not laying the apportionment, the other of Speights, for not returning it, tho' they had laid it. But as they refused paying the money, when executions were issued against them, their goods as the law directs, have been levied on, and sold by the Constables,

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but they were bought by each other, or their friends, and they have given security to the Treasurer to pay him the money, whenever H.M. Order in Council, that the law is in force shall arrive, and by their not returning their lists they think to save the inhabitants of their parishes their tax, in order to get their votes on the ensueing election of the Assembly men, for after the first of the next month, no executions can be issued to compel any person to pay his tax, for they say, by paying their forfeitures for not giving in their lists by the 12th of April last, they are not lyable to any punishment, if they do not give them in afterwards, nor that others who have not given in their negro's are obliged to pay for them, thus H.M., if there be no remedy, may be defrauded of his revenue by the fault of his officers, who ought to be aiding and assisting in the collecting it. As the last Assembly expired in July last, I did not think proper considering the confusion the island had been in to call a new one, till I had the honour of receiving H.M. commands in relation to the law, but I shall not defer it any longer, for as the Excise act expires the 26th Nov. next, I shall take care, that that branch of H.M. revenue shall not be lost, or lessened thro' my fault, and therefore I design to issue new writts very soon for the election of a new one, that they may not want time, for the passing of an Excise bill for the ensueing year *etc. Encloses* Minutes of Council, March, 1728—18th July, 1729, of Assembly 3rd June—8th July, of the Grand Sessions, 10th—12th June, Court of Chancery to 9th July, and copy of an act, passed 8th July, *for the better finishing etc. the magazines at St. Ann's Castle, and building a town-hall, and goal in the town of St. Michaels etc. Signed,* Henry Worsley. 3 *pp. Enclosed,*

909. i. Proceedings of Court of Chancery, Barbados, March 20—Dec. 18, 1728. 13 *pp.*

909. ii. Proceedings of Court of Chancery, Barbados, 22nd Jan.—9th July, 1729. 7 *pp.*

909. iii. Proceedings of Court of Oyer and Terminer, 10th–12th June, 1729. 7 *pp.* [*C.O.* 28, 45. *ff.* 66–73 (*covering letter and enclosure i. only*); *and* (*enclosures only*) 33, 27. *Nos.* 11–13.]

Sept. 29.

910. Petty expenses of the Board of Trade, Midsummer to Michaelmas. (*v. Journal*). 5 *pp.* [*C.O.* 388, 79. *Nos.* 50–52.]

Sept. 30.
Whitehall
Treasury
Chambers,

911. Treasury Minute. Upon letter of the Board of Trade, Feb. last, the Lords Commissioners allow payments to Widow of Samuel Clark *etc.* (*v.* Sept. 3, 1728). *Endorsed,* Read 30th Dec., 1729. ½ *p.* [*C.O.* 388, 79. *No.* 53.]

Sept. 30.
Whitehall.

912. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office

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expenses and Officers' Salaries for quarter ending Michaelmas. Account annexed. [*C.O.* 389, 37. *pp.* 304, 305.]

Oct. 1. Whitehall. **913.** Council of Trade and Plantations to the Duke of Newcastle. Tho' your Grace may be already appris'd of the undutifull manner in which the Assembly of the Massachusets Bay persist in their refusal to settle a fixt salary on their Governor, which had been so often recommended by the Crown; yet as this is an affair of very great consequence, and will probably fall under a Parliamentary consideration the next Session; we thought it proper to transmit to your Grace, the copy of a letter we have lately receiv'd from Mr. Burnet together with a printed copy of the votes of the sd. Assembly for your Grace's information *etc.* [*C.O.* 5, 916. *p.* 206.]

Oct. 1. Whitehall. **914.** Council of Trade and Plantations to the Duke of Newcastle. Enclose drafts of warrants for use of new seals for Barbados, Jamaica, Virginia and Carolina *etc.* (*cf.* 18th Aug.). *Autograph signatures.* 1 *p.* [*C.O.* 5, 4. *No.* 38; *and* 29, 15. *p.* 115.]

Oct. 1. **915.** Draft of H.M. Warrant to Governor Hunter for using the new Seal of Jamaica. [*C.O.* 138, 17. *pp.* 280, 281].

Oct. 1. **916.** Similar draft for Barbados. [*C.O.* 29, 15. *pp.* 116, 117.]

Oct. 2. Canso. **917.** Governor Philipps to the Duke of Newcastle. *Announces his arrival* in the latter end of June, "whereto, both my desire and duty had carry'd me sooner, but for want of such powers and instructions as I then thought, and doe still presume to think quite necessary to procure the settlement and security of this Province." *Continues*:—It is now with great satisfaction I acquaint your Grace of the great growth of this harbour in the Fishing trade since the time when it was first settled and incouraged by me, having found at my entrance not less than 250 vessels and 1,500 or 2,000 hands imploy'd in catching, cureing and loading of fish for several marketts, the returns whereof to Great Brittain is thought to advance more the revennue of the Customs, then the produce of any Province upon this Continent of the longest settlement, Virginia excepted. Many familys wou'd settle here if they saw the commencement of a fortification for their protection, which till then they look upon to be very precarious in reguard of the numbers and strength of the enemy in case of a rupture at any time with France, and the near neighbourhood of Cape Breton, where no industry or expence has been wanting to make themselves formidable. Having settled matters here as far as the time would admit, to the general sattisfaction of the people who have been under some discouragement, I am now preparing to proceed to Annapolis Royall, where I am likewise expected with impatience having receiv'd assureances from the French inhabitants that they will comply with whatever tearmes of submission and obedience that I shall propose to them : Such is the universall joy that appears from every quarter that leaves me no room to doubt of being able in a little time to give your Grace a sattisfactory account of the affaires of this Province *etc.* I was in hopes to have found the vessell which was built for the service of this Government in a condition to be repair'd, but having appointed a survey of ship carpenters to examine her, upon their report (*enclosed*) the vessell was sold at publick vendue, with the produce whereof and addition of £250 have bought another vessell of a less burthen and more fitt for the service, without which I could no way remove from hence, and therefore pray that I may have orders to continue her in the service, which I cannot pretend to carry on but by moving from place to place as there shall be occasion ; her expence will not be above half so much as the other's which requir'd a complement of twelve men, whereas six sailers will suffise for this ; she is new and strong and with due care may serve the Government twenty years *etc.* There goes home one William Richards prisoner on board the *Rose* man of warr who I had hyred for a footman at my leaving England *etc.* The whole matter is contained in enclosed affidavits *etc. Signed,* R. Philipps. *Endorsed,* R. Dec. 6th. 4 *pp. Enclosed,*

917. i. Address of inhabitants and fishermen of Canso to Governor Philipps. Canso, July 8, 1729. Welcome his arrival *etc.* 58 *signatures. Copy.* 1 *p.*

917. ii. Address of Joshua Peirce and others to Governor Philipps. Canso, Aug. 19, 1729. On behalf of "the Gentlemen, Shoremen and Fishery of this place," express the universal satisfaction with his administration, "in that your Excellency has promised them a confirmation of all their former grants for lands" *etc. Pray that* the many petty differences which dayly arise in the Fishery may be decided by a civil magistracy appointed by H.E. *etc. Signed,* Joshua Peirce, Stephen Perkins, Elias Davis, Thos. Kilby. *Copy.* 1 *p.*

917. iii. Andrew Le Mercier to Governor Philipps. Boston, 28th Sept., 1729. Proposals, by a French Minister, for setting a Colony of French Protestants in Nova Scotia. *Asks for* a grant of 120 acres to each of 100 families to be brought over from London free of charge and settled in a township to be called New Caen, with a weekly market and annual fair, and be free of taxes and duties for 7 years. A loan of £2,000 in paper bills to be granted them for purchase of cattle and

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provisions *etc.*, 5000 acres to be given to the undertaker or undertakers. The agreement to be void if the settlement is not accomplished within 2½ years of April 1st, 1730, *etc.* *Copy.* 2½ *pp.*

917. iv. Deposition of Thomas Grayson. Canso. 6th Sept., 1729. On 3rd June, 1729, William Richards described to him how Sir John Williams had killed a man named Williams in a duel in his house in Monmouthshire and, with the aid of Richards, his servant, had thrown the body into the river, *etc.* Afterwards Sir John advised Richards to get a service to go beyond sea, and he went with Govr. Philipps *etc.* Richards on examination admitted this. 2 *pp.*

917. v. Survey of H.M. schooner *William Augustus.* Canso. 16 July, 1729. It will cost more to repair than will purchase a new one *etc.* *Signed,* John Corny, Master, and *three others.* 1 *p.* [*C.O.* 217, 38. *Nos.* 24, 24 i.–v.]

Oct. 2.
Canso.

918. Governor Philipps to Lord Townshend. Duplicate of preceding covering letter. *Same signature and endorsement.* 4 *pp.* *Enclosed,*

918. i. Copy of *No.* 917 v. preceding. [*C.O.* 217, 38. *Nos.* 25, 25 i.].

Oct. 2.
Canso.

919. *Same* to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed,* R. Philipps. *Endorsed,* Recd. 6th Dec., 1729, Read 11th May, 1730. 4 *pp.* *Enclosed,*

919. i. Copy of *No.* 917 v. [*C.O.* 217, 5. *ff.* 168–169*v.*, 170*v.*–171, 172*v.*; *and* (*abstract of covering letter*) 217, 30. *pp.* 35, 36].

Oct. 3.
Custom ho., London.

920. Mr. Carkesse to Mr. Popple. Encloses following for the information of the Board of Trade. *Signed,* Cha. Carkesse. *Endorsed,* Recd. 3rd Oct., 1729, Read 15th June, 1731. ½ *p.* *Enclosed,*

920. i. Mr. Fitzwilliam, Surveyor General of the Customs for the Southern Continent of America, to the Commissioners of the Customs. New Providence. 30th June, 1729. The principal place of the Bahama Islands is this of Providence, where the Governour and all the publick officers have their residence at a small village called Nassau, a good harbour for small ships defended by a regular fort *etc.* In this Island are the bulk of the inhabitants, consisting of about 500 white people and 250 negro's, but like soon to be augmented by the removal of 50 or 60 familys from Harbour Island and Ilathera who being exposed to the ravages of the

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Spaniards from Cuba and without any place of defence to retire to more [? =*were*] by order of the Governour and Council directed to abandon their settlements for a place of greater safety: and for the other islands *etc.*, they are as yet uninhabited, except in the season for making of salt, and cutting wood, that the people of this place resort to Exuma for salt, and the other islands for wood which is at present their best and most vendible staple. It is easy to judge how little trade can be carried on by such a handfull of people, who require but small supplies of European commodities, and have little ability to furnish much in return, since besides the providing common necessarys for their own subsistance, there is no great improvement yet made of the commodities the soil naturally produces, some attempts have been made in sugar, but want of hands and money to erect works and buildings requisit for such an undertaking makes that manufacture go on very slowly. The great quantity of brasiletta and other dying wood, and of Madeira manchinele, mohoggony and other trees fit for building vessells and other uses, and their cinamon bark called there cortex winterranea, and the sweet wood bark called Cortex Ilatharia, might prove valuable commodities for export, and encourage the clearing of the ground for the improvement of all the commodities which any of the West India islands produce; but as there is no immediate export for these directly to Great Britain and the inhabitants unable to transport them in shippping of their own, these commodities do not turn to that account which otherwise might be made of them; it is also said by the Spaniards that the Jesuits bark is to be found here, but the inhabitants have not yet made the discovery where it grows. The chief trade here at present is by imploying their vessells, (of which there are about 20 but very small) in carrying Maddara and Mohoggony wood, turtle, lemons, oranges, pine apples *etc.* to South Carolina and bringing back provisions, and going to Jamaica and being imploy'd in sugar droging during the time of lading the shipping there, and what they earn is returned thence in rum and molosses, and sometimes they export cotton of their own product to the other plantations, but hitherto in no great quantity. I have regulated some matters with relation to the Naval Officer, and as Mr. Fairfax is a man very capable and diligent in his duty, I doubt not the trade will remain under a sufficient inspection without enhancing the

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expence by the expence of a shallop, as I find has been proposed by the Governor and Collector *etc.* *Signed,* Richard Fitzwilliam. *Copy.* 2¾ *pp.* [*C.O.* 23, 2. *ff.* 249, 250–251, 252.]

Oct. 3. Kensington. **921.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following for their report with all possible expedition, as the last ship to sail for New England this season will depart in eight or ten days. *Signed,* Holles Newcastle. *Endorsed,* Recd. 3rd, Read 6th Oct., 1729. ¾ *p.* *Enclosed,*

921. i. Petition of Francis Wilks and Jonathan Belcher, Agents for the House of Representatives of Massachusetts Bay, to the King. Your Majesty's said Province hath lain under great hardships and difficulties ever since the arrival of H.E. William Burnett Esq., who from his first coming into that Government to this time, as is humbly apprehended, hath made the general good and welfare of the whole Province subservient to his own private particular interest, and hath seemed by his words and actions to have no other end or view in coming to preside over them but to consult his own advantage, and at the same time to be wholly regardless of that of the whole Province. But as the Province is fully sensible he can be no ways protected in such his actions by your Majesty who is peculiarly distinguished not only throughout all Europe but the American world also for your great clemency and paternal regard to all your people, and in giving to them in the enjoyment of all their just rights and liberties all proper countenance and support *etc.* One of the first steps of Mr. Burnett's Government was demanding a sallary to be settled on him and his successors in perpetuity, which, as it was what had never been done from the first foundation of Government in that Province and the then Assembly apprehending it to be inconsistent with the Constitution and laws of their country to grant the Governor a sallary for any longer time than from session to session, they could not agree thereto. But they very cheerfully and unanimously voted him such an allowance for the year then current as your Majesty was pleased to think sufficient as to the quantum, and gave him all possible assurances that he should never want a support suitable to the honour and dignity of his Government. Upon which the Governor, in great violation of the trust reposed in him, did all in his power to harrass and distress the Representatives of that Assembly, sometimes by very long and unusual sittings, and then by short and hasty

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prorogations, and by adjourning them from the Court House at Boston the usual and general place of its sitting (and which is by far the most commodious in the whole Province for that purpose) to Salem, a place very incommodious, and no ways fitting for the reception of such a body, and where he kept them sitting several months in a most severe and difficult season, and at a time when the business of the Province did not require the continuance of the General Session. The present Great and General Assembly, which is the second since Mr. Burnett's arrival, were by the writts appointed to meet at Salem, the Governor still insisting the Assembly should be held there, no ways regarding ye hardships and distresses the great inconveniencies of that place hath and must bring upon the Members, on the contrary seeming to hold the Assembly there on that very account, as if he took pleasure and delighted in the difficulties he thereby brought upon the House, and hath harrass'd and vexed the Representatives by not suffering them to do necessary business for the good of the Province, and by these and other his proceedings and administration hath brought great damage to the Province. For tho' various affairs of great importance to the Province had in the last and preceding sessions been referred over for the consideration of the Great and General Court at this Session, yet on the first meeting of this Assembly which was on the 28th of May last, the Governor made no speech to ye Court, as usual, nor recommended to them by message or otherwise any business for their consideration, and the second day of the Session the Governor prorogued the Court to the 25th of June last, which proved very detrimental to the Province in retarding the affairs of the Session, they having done no public business saving the election of Councellors, and created needless trouble and expence, besides bringing great trouble and fateigue on the Members in journeying to and from Salem. The General Court met on the day appointed by prorogation, and the House sent up and acquainted the Governor that they were a quorum, and ready to proceed to the business of the Session, but to which they had no return from the Governor. Whereupon, and as the House had nothing recommended to them from the Governor, and the Representatives who attended the long and fateiguing session in 1728 having not received their accustomed allowance or pay, occasioned by the Governor's refusing to sign a warrant for that purpose, tho' the Clerk of the House had laid before him the proper certificates, and upon which the Governor was bound by law, as Petitioners conceive, to issue his warrt. for their payment, and notwithstanding he had signed like warrts for payment of the Council, the House *etc.* on 3rd July sent up a message to the Governor addressing him in the most strong and pressing terms on their behalf. But the only return made was that he should lay that matter before the Lords of Trade and take their directions thereon, which the House in a matter of this nature could not but look on as a denial to do justice to those members *etc.*, it being in effect a repetition of the refusal to sign any warrants for their pay, which is conceived to be a very unwarrantable practice in the Governor *etc.* By the constitution and usage of this Province the revenue or supplys for defraying the expence of the Government is annual, being raised and appropriated by act of Assembly from year to year, and is usually one of the first acts they pass *etc.*, but the Governor, as is humbly apprehended, in manifest breach of his duty, and neglect of the good and welfare of so large a Province *etc.*, hath refused to suffer any act to be passed for raising and appropriating the annual supplys for the service of the current year, unless done in a method apprehended to be inconsistent with the welfare and safety of the Province, for the House having on the 2nd of July last come into a resolve for supplying the Treasury with twenty thousand pounds bills of credit for the necessary support and defence of the Government *etc.* to be issued out and disposed of by warrant under the hand of the Governor with the advice and consent of the Council, to be applyed to the several publick uses therein mentioned, which resolve, being worded in the accustomed manner, was sent up for concurrence, the next day the Governor by message acquainted the House that the Board had concurred the said resolve as desired, but that he did not think proper to consent to any form for supply of the Treasury but what was practiced before the year 1721, which was to grant the money without appropriating the same to any particular uses. But as this method was ofttimes found by experience to be the occasion of uncomfortable disputes between the two Houses, and lyable to great inconvenience and abuse by misapplications of the publick money, for the future prevention of all which mischeifs the method now in use *etc.* was agreed upon after very solemn and mature consideration and debate both by the Council and the House and con-

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sented to by the Commander in Cheif, and as the method now used is, as the House most humbly conceives both reasonable in itself, and agreeable to the power granted by their Charter, as is expressly allowed by the report of the late Attorney and Sollicitor General on Collonel Shute's complaint, and confirmed in Council by your Majesty's late Royal Father, and as under this method the debts of the publick have been as punctually answered, and the honour and justice of the Legislature as well preserved as before, so the Governor could not but well know and foresee the Assembly could never come into the same injurious methods as were practiced before 1721 *etc.*, and therefore the House could not but consider this as flung into the Governor's message meerly to bear here at home some appearance and colour of a reason for his negativing so essential a resolve, and the welfare of the Province greatly depending hereon. The House on the 4th of July came into fresh resolves, and sent up renewed messages respecting the supply of the Treasury and the pay of the Representatives for the last year, setting forth in the most pressing manner the great necessity of a concurrence with them herein, but without any return. The House foreseeing what confusion and perplexity must soon come upon them for want of money in ye Treasury and being thus strang(*e*)ly treated by the Governor, and dreading the tendency and effect hereof, on the 9th of July last appointed a Committee to prepare an humble Address to be presented to your Majesty, respecting the difficulties the Province labours under from the male administration of the Governor, and the same day a Memorial was laid before the House signed by a number of merchants setting forth sundry burthens and hardships they laboured under with respect to the extraordinary and illegal fees lately exacted on the shipping by the Governor, and praying to be releived therein, which was committed to the consideration of the Committee for greivances. The House ye same 9th of July voted that a message should be sent to the Governor to acquaint him that the House was desirous to enter into the consideration of ye usual allowances and therefore desired him to pass the supply of the Treasury, that so the honour and dignity of the Government might be supported, but to which the Governor returned only the same answer as before, and the next day the House voted that they would proceed to the proportioning each town to a tax of one thousand pounds at three a clock that afternoon, and would at four a clock enter into the consideration of an allowance to H.E. *etc.* The Committee of greivances having on the said 10th of July met and considered of the several matters committed to them, agreed to report the following heads of greivances vizt. The Governor's denying issuing warrants for the pay of the Representatives the last year, his holding the Assembly at Salem, his refusing to concurr with the resolve of the two Houses for supplying ye Treasury, his not passing the impost bill, which both Houses had passed the 3rd of June, his not suffering the Court to sit but 2 days in May session, and then calling them together during their harvest season, and in the busie time of the year and keeping them 15 days together without anything recommended from him to them, and at the same time denying his assent to all such matters as the two Houses in discharge of their duty had gone upon and passed, except some muster rolls and accots., and his exacting unjustifiable fees on the shipping; but to prevent any report being made of these matters or any vote or resolution of ye House thereon, the Governor on the said 10th of July last without any the least previous notice abruptly prorogued the said Great and General Court to Wednesday the 20th of Augst. following then to meet at Salem aforesaid. By this male-administration of the Governor the Province is wholly defeated of ye benefit arising from ye meeting of ye sd. General Court and Assembly intended them by their Charter, the support and defence of the Government deserted, and left unprovided for, the revenue destroyed, the trade and shipping of ye Province distressed and the priviledges and franchise of the Charter invaded and broke in upon by the sole art and means of the Governor, and the terrible consequences of ye Treasury being quite empty of money, and having no supply for the necessary support and occasions of the Government are now impending over this unhappy Province, and 'tis much to be feared will be too soon felt by them unless speedily releived by your Majesty's most gracious interposition. Your petitioners must humbly hope the well-being of so large a part of your Majesty's American subjects and Dominions shall not be thus prejudiciously affected by any disagreement or dispute between the Governor and Assembly relating to the manner of supporting the Governor. Therefore, and as the last ship which sails for ye sd. Province this year will be going in a very short time, and unless some order be given in the premisses to the Governor by such ship the Province must lie bleeding under these their distresses for six or seven months to come, your Petitioners most humbly pray your Majesty to take their distressed and deplorable condition into your most royal and paternal consideration, and that proper directions may be forthwith sent to the Governor for redressing the oppressive greivances of the inhabitants *etc.* *Signed,* Francis Wilks, Jonathan Belcher. 2 *large, closely written pp.* Torn. [*C.O.* 5, 870. *ff.* 273, 274*v.*–275*v.*]

Oct. 6. **922.** H.M. Warrants to the Governors of Barbados, Virginia, Jamaica and S. Carolina, for using the new seals (*described*) and returning the old ones. *Countersigned,* Holles Newcastle. [*C.O.* 324, 36. *pp.* 156–162 ; *and* 324, 50. *pp.* 5, 6.]

Oct. 6. Whitehall. **923.** Mr. Wheelock to Francis Wilks and Jonathan Belcher, Agents for the Assembly of the Massachusetts Bay. Desires them to attend the Board with proofs in support of the allegations in their petition against Governor Burnet. [*C.O.* 5, 916. *p.* 207.]

Oct. 7. Kensington. **924.** Duke of Newcastle to Governor Hunter. In accordance with representation of Board of Trade, H.M. is pleased to order that a *noli prosequi* be granted Mr. Donavan. *Signed,* Holles Newcastle. [*C.O.* 324, 36. *p.* 163 ; *and* 137, 53. *ff.* 178, 178*v.*]

Oct. 7. Boston. **925.** Lt. Governor Dummer to the Duke of Newcastle. *Encloses* journal of General Assembly to end of Session. *Continues* :—Your Grace will see by my Speech to the Assembly, and my Message to the House of Representatives that I have used my endeavours to bring the House to [*a*] sense of their duty to H.M., with respect to fixing the salary *etc.*, supposing myselfe to be under obligation so to do inasmuch as the Government, and thereby H.M. instructions for ordering the same is now devolved on me : altho' I cannot say I had any hopes of convincing them, after the fruitless endeavours of a gentleman of so much address as the late Governour *etc.* Your Grace will observe that in the Representatives' message, in answer to my speech, they express it as their opinion that the aforesaid instruction does no wayes relate to me as Commander in Cheif, wch. I answered as is incerted in the said Journals ; and that occationed another short message from them which seems to be intended as a final refusal to fix a salary. And now I must pray your Grace's directions, how I am further to proceed in this affair ; for I am very intent faithfully and punctually to observe H.M. Instructions while I have the honour to bee continued in the command here. I think it necessary to observe to your Grace that ever since that clause appointing the muster rolls to bee past on by the whole Court was brought into the resolve for supply of the Treasury, wch. was first done in 1721 *etc.*, there has always been some opposition made to it by the Council, but it has nevertheless had their concurrence, and the Governour's consent to this day. The case as it was stated by the late Governour is in the Journals and the answer of the Representatives *etc.* The necessity of the supply of the Treasury for the support of the Government has weighed with me in the passing of it, as it has been don for eight years past, having no prospect of retreiving that article at present: but it seems to me that the clause in the Charter, on which that matter depends, does require an explanation from the Crown, or it will bee every year an occation of fruitless contention in the Legislature to the prejudice of H.M. service and the publick good. It may not be impropper further to observe to your Grace that as the Representatives have determin'd not to settle a salary according to H.M. Instructions, and that as I shall not in the l[e]ast depart from it, there is like to bee no support for the Chair in this Government for some time *etc.* *Received* letters of 25th and 26th June to Governor Burnet after he had spoken to the Representatives, "nevertheless I was so happy as to intimate to them the principal matter directed to in the private letter; but without success." *Signed*, Wm. Dummer. *Holograph.* 2 *pp.* [*C.O.* 5, 898. *No.* 60.]

Oct. 7. Boston. **926.** *Same* to the Council of Trade and Plantations. *Repeats* preceding, *mutatis mutandis.* *Acknowledges* letter of 28th May, and *concludes*:—There being a clause in it, which relates to the government of New Hampshire, I shall acquaint Mr. Wentworth the Lieutenant Governor with it. *Signed*, Wm. Dummer. *Endorsed*, Recd. 21st Nov., 1729, Read 9th June, 1731. 2⅔ *pp.* [*C.O.* 5, 872. *ff.* 100, 101–102*v.*, 103*v.*]

Oct. 8. Whitehall. **927.** Council of Trade and Plantations to the Duke of Newcastle. Governor Burnet's Agent has desired a reasonable time for obtaining his answer to the petition of Messrs. Wilks and Belcher (*v.* 3rd Oct.), "which, in common justice, and according to the usual course of our proceedings on complaints against any person, was not to be refused." *Continue*:—But in the mean time we thought it not improper to inform yor. Grace, that some of the matters complain'd of by this petition, have already been determin'd upon by H.M. in Council; some of them have been already redress'd by the Governor, and as to ye rest, we have not, nor can have, any proper proofs before us, till we have an opportunity of hearing both parties. However, as ye petition complains, that ye current service of the year, cannot be carry'd on, for want of Mr. Burnet's assent to ye mony bill, which they alledge to be conceiv'd in ye form for such bills, used ever since 1721, we would humbly propose, that notwithstanding the Assembly seem finally to have refused to comply with H.M. Instructions relating to the Governor's salary; Mr. Burnet should be directed not to throw the Province into confusion, or put a stop to the publick business by refusing to give his assent to the sd. bill, or bills, unless there should be some particulars contained therein, contrary to their Charter, or to H.M. Instructions. [*C.O.* 5, 916. *pp.* 208, 209.]

Oct. 8. St. Johns. **928.** Capt. Taverner to Mr. Popple. I came late to this countrey occasioned by a long pasadge, ye last of July I hyred a sloop and went with a cargo of goods as far north as Cape Grotte, ye nothermost Cape in N.f.land, where fisht 6 large ships of St. Mallo, sum of them 100 men: 20 boats, ye first of agust they had pr. boate about 90 qls., the fish then wose gon of, 2 ships fisht in other harbours, I wose aboard one of them which had about 100 pr. boat. At Capt. (? *Cape*) Grote ye Commander of ships came on board, and toock away my sailes and rudder, pretending to sease me though many of them new me, because I could not produce a pass: nither would they deale with me for that reason, as they pretended, but ye great reason wose, they weare sorrey to se me in yt. place, for one of the Captns. told me I wose a terrour to al ye coast, that they had never seen an Englishman theare before, and perhaps in two or three years I might com and tack at theare ships from them in case of a wore: with a great deal of diffucalty I gat my sailes and ruder and returned without doeing any thing, which wose a voidge to my loss, however I purpose to goe all round ye land next sumer, at my own charge without ye goverment will be so good as to allow me anything, in my returne I saw 3 Indians; and above 50 fiers they are a nation yt. is setled by themselves between the English and the French, should the Government think fitt to imploy me, I could soon bring that whole nation to head with us *etc.* *Has been prevented from getting in his debts this season by this voyage etc.* *Signed*, Wm. Taverner. *Endorsed*, Recd. 8th Dec., 1729, Read 8th April, 1730. *Addressed.* 1⅓ *pp.* [*C.O.* 194, 8. *ff.* 283, 283*v.*, 284*v.*]

Oct. 9. Boston. **929.** Col. Dunbar to the Council of Trade and Plantations. I landed here the 23rd of last month, since which a great many hundred men of those who came lately from Ireland as well as some English and Irish familys many years settled here, and likewise many natives of this country, who are uneasy under this forme of Government, applyed to me yt. they might settle to the Eastward of Kennebeck river, haveing heard from England that a new Province was erected between the river of Kennebeck and St. Croix by the name of Georgia and under my Goverment; and as the greatest part of those who lately came from Ireland had removed themselves to Pensilvania upon the ill-treatment they received here, where a very numerous mobb threatend and insulted them as foreigners, I have presumed upon your Lordships report to the Lords of the Council in favour of this new Settlement to promise all those people that they should have grants of lands from 50 to 100 acres pr. head in each family, paying one penny sterl. pr. ann. quit rent to H.M. after 10 years, subject to one penny more whenever H.M. should demand it to defray the expence of the Governmt. ; this gave such general satisfaction that I have been exceedingly pressed to begin the Settlement without loss of time, soe that I goe hence by sea in 4 or 5 days with about 250 men, wth. their own armes, in behalf of themselves and many other familys who will follow in the spring to make a beginning at a place called Pemequid, as soon as they have got a covering, they intend to clear land make staves of all sizes and cutt timber for small vessels, all these they can doe in the frost and snow, and as soon as the spring opens, they will open ground and putt in garden seeds, grain and a little hemp, each ; the soil has formerly been tryed and is very good, so that I hope within 18 months to send samples of hemp for the Navy and to give a good account of the other produce of the lands ; I intend to call the first town St. Georges, and doubt not it will in some measure deserve that name. I am told there are 5 fathoms depth of water close to the bank at this intended scituation, wch. will encourage trade and ship building. Several people have been with me claiming large tracts of land in this Province by virtue of antient grants from King James and K. Charles the first and from the Council of Plymouth, and some Indian titles among them Doctor Cook at the head of a company of gentlemen and merchants who call themselves the Muscongos Company, the name of a river a little to the eastward of Pemequid, these Gent. shew a grant from the Council of Plymouth for thirty miles square dated in 1629, tho' never improved, they had since another grant under the late Duke of York (since K. James ye 2nd), but they would not claim under it because there was a reservation of one penny pr. acre chief rent, least the arrears should be demanded ; I told them that ye title to those lands had been often changed since their first grant and that it was now absolutely in the Crowne, but that H.M. intended it should be given to such of his good subjects as would go upon ye immediate settlement and improvement thereof upon ye same conditions as before mention'd, wch. they possitively refused to accept, or to allow any consideration or acknowledgmt. to the King thô ever so small. Doctor Cook sayd they were in possession and would see who wd. dispute it, for his part he would as soon go to law with the King as any private man, his character is so well known at the Council Board, and Board of Trade, that I need not dwell upon it, but can't omit saying that he is here at the head of the obstinate faction who oppose all the King's measures and was lately the instrument of procureing their memorable act against duelling to put all upon a level, so that a man is lyable to common affronts to wear a sword or be distinguished like a gentleman, for by that act, to draw a sword, upon any pretence, without reserve, ye punishmt. is no less than to be drawn in a cart with a rope round one's neck to ye gallows, and there to sit upon it 2 hours, they have been remarkably insolent since this law, and if their acts are thought worthy of consideration at home, I should hope this one might be returned repealed wth. resentment it would mortifye them extreamly and they richly deserve it. To the eastward of Pemequid a few miles, there is a fine navigable river called Shepscott, where 2 different setts of people here claim large tracts, one sett are 58 in numbr. the other 32, they have the like old titles, but upon my telling them as I did the first company, they seem very well pleased and are resolved to settle 2 towns compact and to improve each of them small tracts contiguous to the towns, some few of them are of the stiff-neckd generation here and talk like their oracle Dr. Cook. It is very probable that from the Doctor's party there may now go orders for application at home in behalf of their claim, wch. contains more than half a million of acres, it is impossible they can say any more of me than what I have here owned, to wch. I added that any man yt. has made any improvements or cleared ground should have such included in their grant provided they would goe upon the immediate settlement. I could wish yt. this famous Doctor could be stigmatized in being particularly excepted from haveing any part or grant. There are some small tribes of Indians near these intended settlements, who will expect some presents as those near New York, a small matter, wth. ye good useage I will allways give them, will keep them in peace and friendship, and this with a few guns, small armes and amunition is all the expence I wd. propose to the publique. I have received much civility since my landing here, but I observe it has been generally from such as are well affected to H.M. and heartily wish for a thorough reforme in this Government by Act of Parliament. I sayd they might wth. reason expect it if it could not be done by ye common course of law, and I added, for joke sake, yt. I did not doubt but a Governour would be sent over in the spring wth. a Commission for a Kingly Governmt. and a charter of incorporation for this great towne, with blanks to name a Mayor, Aldermen and Recorder in lieu of their boasted Charter, this gave great pleasure, and one of the gentlemen saying he would give a great deal to see that joyfull day took a guinea from me to give me 30 when he should be in that number. This may be made a usefull Colony to England if it be brought under a good regulation and in my humble opinion it is high time, it

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is very populous and ye people generally deem themselves independent, as is their religion, for they hate the Church of England and Presbiterians alike, and are a selfish dogmatical people; the town or Citty of New York is not near so large as this; and has a Charter with a Mayor *etc.*, but if H.M. should be advised to give one to this town, I would humbly propose that it be not too extensive at first, but put ye people upon their good behaviour to deserve further favour in another. The Church of England labours under some discouragemts. here there being no allowance but to one Clergyman, and there are 2 churches, but the Clergy depending on ye courtesy of the people wch. is very precarious; thô these 2 churches are large they are well filled, and I am informed that wherever churches have been built, people have allways resorted; this Continent may deserve a Bishop resideing, his residence may be in Georgia, where provision may be made for him out of the quit rents and reserved penny pr. acre. I am firmly persuaded that a good man who would take pains this way and encourage schools might in time work a reformation among these independents. I could wish that Dean Berkeley's Colledge may go on, and that Georgia might be thought a proper place for it. It will be spring before I can have any answer to this letter and by that time I shall have a thousand familys settled at Pemequid and Shepscott; upon Kennebeck up some leagues there is a large forest of fine masts wch. will be part of what I am to reserve for H.M. My deputys are out upon their duty; in ye spring I shall send 2 of them to Nova Scotia to execute my instructions etc. *Suggests* the new Colony may be granted a free trade for their own use and consumption for 7 years *etc.* *Signed*, David Dunbar. *Endorsed*, Recd., Read 20th Nov. 1729. *Addressed. Holograph. 7 pp.* Enclosed,

929. i. Claim of Christopher Toppan to lands in the East Country, at Sheepscott *etc.* *Same endorsement. Copy.* ¾ *p.*

929. ii. Grant from the Council of Plymouth to John Beauchamp and Tho. Leveret of a piece of land in New England to the North and North East of Penobscot River containing ten leagues square and paying only a fifth part of all gold and silver ore found there. 13th March, 1629. *Same endorsement. Copy.* 1 *p.* [*C.O.* 5, 870. *ff.* 289–294*v.*]

Oct. 10. Portsmo. **930.** Lt. Governor Wentworth to Jeremiah Dunbar. Hopes that his presence will put a stop to the waste of pine-trees which he has endeavoured to prevent for the last ten years, at great expence to himself *etc.* *Signed*, J. Wentworth. *Endorsed*, in Col. Dunbar's, 10th Dec. *Addressed.* 1 *p.* [*C.O.* 5, 10. *No.* 22.]

1729.
Oct. 10.
Kensington.

931. Duke of Newcastle to the Council of Trade and Plantations. I have laid before the King your letter (8th Oct.) *etc.*, upon which H.M. has been pleased to order that you should send to the petitioners (*Wilks and Belcher*) for a copy of the mony bill to which they complain that Governor Burnet refuses his assent, and report to H.M. your opinion whether it is consistent with the Charter of [*the Massachusetts Bay*], or with H.M. Instructions to Mr. Burnet; together with such further observations as may occurr to you upon the perusal of that bill *etc.* *Signed*, Holles Newcastle. *Endorsed*, Drat. to the Council of Trade. 1¼ *pp.* [*C.O.* 5, 752. *No.* 41.]

Oct. 11.
Boston,
New
England.

932. Col. Dunbar to the Duke of Newcastle. I landed here the 23rd of last month, since wch. onely one vessel sailed hence the next day, by wch. your Grace had an account of the death of Mr. Burnet, wch. happened in an unlucky time for the instruction he was charged with from England, tho' the Lt. Governour has pritty much insisted on ye same, but no prospect of success, nothing less than a new form of Government will bring this people to reason. Many of them heartily wish for it, those yt. do not are the lower class of people influenced by a few obstinate cunning men, among whom Dr. Cook is ye chief. Your Grace is sensible of the proposal and reports upon it from the Board of Trade for a new settlement and separate Government between New England and Nova Scotia; at my arrival here many hundred familys applyed to me, some of them haveing been petitioners to H.M. for leave to settle to the eastward of ye River of Kennebeck on ye aforementioned tract of land. At my leaveing England matters were not quite settled *etc.*, but I was encouraged from the Lords for Trade to encourage such as would go upon ye immediate settlement and improvement of that wast land upon ye conditions mentioned in the report, which being much approved, I have been so importuned to go and begin the settlement yt. to refuse or delay it, the people would go to Pensilvania, where I am assured at least six thousand souls from ye north of Ireland have arrived in a short time, and even there, haveing heard of the design of this new settlement, some of their friends waited to know ye truth, all this together has forced me under a necessity of complying with the importunity of goeing away in 3 or 4 days with 3 sloops and about 300 men mostly with their own armes and provisions to begin ye settlement at a place called Pemequid some few miles to ye eastward of ye river of Kennebeck, I intend to call it St. George's, it is the best scituation for trade and a fine country round it. I propose to view the woods thereabouts and to return in a month thro' the province of Main and New Hampshire where I hope now to be able to secure what masts etc. are left fitt for H.M. use. In the spring at least 1,000 familys will go from this country to the new settlements, and

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as soon as they can open the ground, they will try all sorts of grain and hemp and flax; every family promises a little, so yt. in a year I hope to send some small quantity home in perfection for the approbation of the Navy; the people who go downe now will be imployed this winter in building hutts, clearing land, and makeing staves, and cutting timber for small vessels. I brought over with me a quantity of tools for these purposes and I carry with me provisions for such as had no fund to provide for themselves until they can repay it out of their labour; it can scarce be believed wt. a spirit there is among them to carry on this affair, the short time I have been here, a continual crowd has been about me, and some Gentlemen of this country who had old claims and titles, some of them Indian deeds, others from the Council at Plymouth in 1629, others from K. Charles the first, have come to me to shew their claims, no settlemts. or improvements were ever made on any of these claimes. One of them is for 30 miles square from 30 Gentlemen who have associated themselves by the name of a company and ye famous Dr. Cook at their head, this gentleman's character is so well known at the Council Board yt. I need say little of him, but when I told him and ye rest yt. I understood yt. all that country was upon examination before the King in Council 5 or 6 years agoe declared to be absolutely in H.M. disposal, without any reserve to any person, and yt. now H.M. being desireous to have it settled and made usefull to England would give the encouragement of granting lands from 50 to 100 acres pr. head in each family, or more in proportion to their ability to improve, reserveing onely one penny pr. acre quit rent or acknowledgment to ye Crowne, the Doctor answered that they were in possession, would not give one farthing, would as soon go to law with the King as any other man, and would see who dispossess them. I could not help being a good deal ruffled at this declaration and the manner of delivering it, but for reasons wch. I have taken ye freedome to mention in my letter to the Lords Commissioners for Trade, I onely sayd they had better apply at home to have H.M. answer or confirmation of their claims, and I assured them that no one with me should settle on any part of it until I heard from home; I must do that justice to some of the gentlemen as to own that they have come to me since and blamed ye Doctor and seem pleased with the King's termes, they now apply home, but leave the Doctor out of their list, fearing it might hurt them, they call themselves the Moscongos Company. There are two other companys one of 58, the other of 32 in number associated and claim a great many thousand acres on Shepscott River not farr from Kennebeck, and one single Minister whose name is Toppan claims above 300,000 acres by an Indian deed, wch. he tells me is now before the Board of Trade, several of these gentlemen are pleased with

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the termes proposed, if they might have 2, 3 or 4 thousand acres each, and would immediately improve and oblige themselves in particular to raise hemp, others are of Mr. Cook's temper; there are many other like claimes, and all now sett a higher vallue on the lands, tho' they have for the most part ever yet layn waste, and wd. continue so but that they imagine that they might now make some advantage of them by sale or lease, and upon some of these lands, thus claimed, stands the best woods for H.M. use *etc.* *Continues*:—Tho' in the report from the Lords Commissioners for Trade, this new province, wch. is called Georgia, is sayd to be part of, and devided from the Governmt. of Nova Scotia, yet the Lt. Governor here told me in the presence of the Secretary of this Province that it is part of this Governmt. and they insist upon it, I told him I never heard they had any claim to it *etc.*. *Continues*:—There are some small tribes of Indians in the neighbourhood of the place I propose to settle first, but doubt not to make them friends, if they were to be allowed some small presents as at New York, the expence would be well layd out, this and a few guns, small armes and ammunition in the spring is all the charge I would propose to the publique, and if I am to be honourd with the management of the undertakeing, I am satisfyed to be upon my good behaviour *etc.* *Refers to* his letter to the Board of Trade. *Signed*, David Dunbar. *Endorsed*, Recd., R. 19th Nov. 6 *pp.* [*C.O.* 5, 898. *No.* 61.]

Oct. 11. Bermuda. **933.** Lt. Governor Pitt to Charles Cholmunly. *Hears that* Capt. Rogers has obtained an order to take off his company to Providence *etc.* *Continues*:—The Company was settled by King William heere at ye request of ye inhabitants in time of peace and by Act of Parlmt.: being ye onely security to the magazines and ye towne of St. Georges and if occasion to surpress ye negroes who are very numerous and stand in great aw off ye soldiers. Wee have above 150 sayle of sloopes bee longing to this iland but are three parts of ye yeare abroad that wee cannot upon allmost any emergency raise 500 men and onely are at home the two hurricane monthes and that ye company is ye whole supporte of the iland ten months in ye yeare *etc.* My Lord Goodolphin was the onely man who procur'd mee this Government but cannot now trobe (? *trouble*) him on this subject, *etc.* *Desires* his services etc. *Continues*:—Our Councill and Assembly meet in a few dayes and they designe to draw up a representation and petition to be laid before his Majesty in Councill to get the order for the Company revoaked, and likewise that ye King would grant yt. there may bee a small man of war station'd heere and will likewise write to ye Duke of Newcastle and to ye Lords of Trade who know best what condition these islands are in and how they ought to be supported as Bermuda is ye key of America on

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whose safety depends all ye West India trade. I can say noe more to you on this affayer for just now came a sloope from St. Christophers ye most surprising and unwelcome newes of my poore Lord Londonderry's death hee had been three weeke on his voyage hither and he sayes hee was buried ye weeke before hee came away hee tells mee yt Generll Mathews and Smith are together by the eares yt as soone as my Lord was dead they went to work in ye Secretaries Office tearing the papers and fighting that they were not fit to shew their faces in three or fower dayes and Mathews was turning out all those officers his Lordsp. had made. Ile say noe more on this malancholy subject but our most humble sarvice to yr. good Lady and little famyly. *Signed,* John Pitt. *Holograph.* 2 *pp.* [*C.O.* 37, 29. *No.* 8.]

Oct. 11. **934.** Thomas Lowndes to Mr. Popple. The Palatins sent to view Carolina *etc.* (*v.* 7th Aug.) have been at Port Royal *etc.*, approve very much of the country, and have made an advantagious report of the country to those that sent them. *Signed,* Tho. Lowndes. *Endorsed,* Recd. 11th, Read 31st Oct., 1729. *Holograph.* 1 *p.* [*C.O.* 5, 361. *ff.* 30, 31*v.*]

Oct. 12. London. **935.** Thomas Burnett to the Duke of Newcastle. As the Board of Trade have directed me, as Agent to my brother, to transmit to him a petition from the Agents for the House of Representatives *etc.*, and as the miscarriage of such a packet may be greatly prejudicial to the interest of the Province and perhaps it may be questioned whether I ever did transmit such a petition *etc.*, *prays that* "it may go under the protection of your cover. P.S. The packets for New England are taken in at the New England Coffeehouse near the Exchange and the next ships go on Tuesday next." *Signed,* T. Burnett. 1 *p.* [*C.O.* 5, 752. *No.* 42.]

Oct. 13. Council Office. **936.** Minutes of Privy Council. To peruse the accounts of the tryal of the ship att Jamaica wch. has been tryed and cleared. To write to Governor Hunter to express ye King's surprise yt. the ship had been tried when ye orders were to keep them till further order. To consider what method can be taken to enforce ye execution of these orders to ye Capts. of ye ships in ye W. Indies. Send to ye Board of Trade about punishments etc. 1⅛ *pp.* [*C.O.* 5, 36. *ff.* 3, 3*v.*]

Oct. 14. Whitehall. **937.** Order of Committee of Privy Council. Referring back the representation of 29th Nov. last to the Council of Trade and Plantations to consider the value of the lands in the Bahamas, and what sum may be proper to be given for them, and to enquire who are the present Proprietors thereof, and what methods are most proper to be taken, towards making their said proposal effectual *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 16th, Read 31st Oct., 1729. 1 *p.* [*C.O.* 23, 2. *ff.* 206, 207*v.*]

Oct. 14. *Squirrel.* St. Johns, Newfoundland.

938. Capt. Osborn, Governor of Newfoundland, to the Council of Trade and Plantations. Duplicate, *mutatis mutandis,* of following letter to Duke of Newcastle. *Signed,* Hen. Osborn. *Endorsed,* Recd. 10th Nov., 1729, Read 8th April, 1730. *Holograph.* 5¾ *pp.* *Enclosed,*

938. i, ii. Duplicates of following enclosures i, ii. *Same endorsement.* 8 *pp.* [*C.O.* 194, 8. *ff.* 240–242*v.*, 243*v.*, 248–249*v.*]

Oct. 14. St. Johns, Newfoundland.

939. Capt. Osborn, to the Duke of Newcastle. In obedience to H.M. Instructions, 31st May, *etc.*, *transmits following particulars etc.* *Continues* :—I have divided the Island into convenient districts, and have appointed over each of those, the little time I have been there would admit me to visit, out of the inhabitants and planters of the best characters, such a number of Justices of the Peace, and Constables, according to the bigness of the Fisherys they preside over, as I judged necessary, in case they do their duty, to preserve peace and quietness *etc.* *Encloses* further particulars and copy of the Commission given by him to the Justices, " drawn up in the best manner I was capable, not being well acquainted with the forms, nor time to prepare them before I had the honour to receive H.M. commands to be gone " *etc.* *Continues* :—As I could set apart no house, that was proper for a prison in the manner H.M. commanded, but in regard that many delinquents escape with impunity for want of places proper to secure them in, I have ordered a rate which the Justices of Peace presented unto me as of little burthen to the people to be raised within the districts of St. Johns and Ferryland for the building a prison in each of those places, and as this rate is no greater than half a quintal of merchantable fish per boat, and half a quintal for every boat's room including the ships rooms fishing on the Banks that have no boats with the like proportionable rate upon such persons in trade as are not concerned in the Fisherys, and only for one fishing season, I humbly presume it will meet with your Grace's approbation. For punishing of petty crimes I have erected several pair of stocks, and with humble submission I make no doubt but all these measures well executed would be sufficient to suppress the great disorders, that have been too frequently committed in this Island, but what yet is to be feared, is that as the best of these Magistrates are but mean people, and not used to be subject to any Government, that no longer than they have a superior amongst them, will they be obedient to any orders that are given ; besides these measures, My Lord Vere and I have done many acts of

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Justice to the inhabitants and planters, and particularly at Placentia, where we have restored several plantations which Col. Gledhill has unjustly possessed for several years, and as I apprehend we should have taken from him many more which he holds by very unjust tenures, had the proper proprietors been on the spot to have sued for the same. The complaints of the inhabitants against the disorders committed by the great number of Irish Roman Catholicks who remain here in the winter is the only thing further I have to lay before your Grace, hoping by the measures your Grace may be pleased to recommend, they may be free from the insults of those people, who very often plunder them, and threaten them with their being superior in number *etc.* *Signed,* Hen. Osborn. *Endorsed,* Rd. 10th Nov. 3½ *pp.* *Enclosed,*

939. i. Districts of Newfoundland (*v. preceding*) and places where the Magistrates preside. (Bonavista, Trinity, Carbonier, St. Johns, Ferryland, Placentia). ¾ *p.*

939. ii. Commission appointing Justices of the Peace, by Capt. Osborn, Governor and Commander in Chief over Newfoundland *etc.* (*v. preceding*). 8 *pp.* [*C.O.* 194, 8. *ff.* 223–224*v.*, 225*v.*, 226, 227*v.*–231*v.*, 233*v.*; *and* (*enclosures* i *and* ii *only*) 194, 23. *Nos.* 37, 38; *and* (*covering letter only*) 194, 24. *No.* 15.]

Oct. 14. *Oxford* in St. John's Harbour.

940. Commodore Lord Vere Beauclerk to Mr. Popple. *Encloses following. Continues :*—The Admirals of Bonavista, Trinity and Carbonier harbours *have not sent* me their accounts, tho' I writt twice for them, this is not the only article wherein they are negligent *etc.* *Hopes he has not been too tedious in his replies etc.* *Continues :*—The merchants of Bristol concern'd in this trade did last winter sign a petition that the Irish Roman Catholicks might not be suffer'd to come over here in such numbers, justly fearing the ill consequences wou'd unavoidably follow such a practise, but the person intrusted with it never deliver'd it, being owner of a ship who constantly every year practises that business *etc.* *Signed,* Vere Beauclerk. *Endorsed,* Recd. 10th Nov., 1729, Read 8th April, 1730. *Holograph.* 3 *pp.* *Enclosed,*

940. i. Commodore Lord V. Beauclerk's Answers to Heads of Enquiry relating to the Newfoundland Fishery. (iii) The Admirals are not so strict as they should have been in taking care that ballast is not thrown overboard in harbour *etc.*, by which means several ports are almost spoil'd. But in those harbours which H.M. ships frequently visitt, they are more carefull *etc.* (iv–vii) Observed. No complaints. (viii) The byboat keepers seldom cure their fish upon the rooms which belong to the ships, but generally hire rooms from the planters by lease for a certain number of

years. (ix) This Article (*as to carrying over the correct proportion of fresh men, and the production of certificates to that effect by masters to the Admirals*) is generally very ill observ'd. The Admirals indeed tell us they do demand the proper certificates from the masters of the ships, but by what I have been able to observe such only as hope to be Admirals furnish themselves as the Act directs. The others hire upon the spott as many as they find they shall have occasion for, great numbers of Irish Roman Catholics coming over here every year for that purpose, they are already so numerous that in many places there remains during the winter nine of these Irish Roman Catholicks to one English man. I need not observe of how dangerous a consequence this practice in time must be to this countrey, besides the loss to the British Navigation by the hindring so many seamen being brought up. The masters of the ships from Ireland bring them for the lucre of their passages, but att the same time confess they do a prejudice to the countrey, excusing themselves by saying, if I did not bring them another wou'd. They are of so indolent a disposition that they do not earn enough in the summer to pay their passages back again, so some go away to New England, others remain here all the winter, and are the occasion of most of the disorders that then happen. (x) The inhabitants in general employ none but these Irish Roman Catholicks, who will very few of them ever come to be good seamen or fishermen. (xi–xiii) Complied with. (xiv) Very little order is kept till the arrival of H.M. ships, the Admirals in most of the harbours being illeterate, and in this respect very indolent men who regard little else but their own private interests. I hope now that Justices of the Peace are appointed it will be otherwise. I can't find that the Admirals of the harbours have for these many years made any return to H.M. Privy Council of the number of ships, boats *etc.* (xv) They generally defer bringing their disputes and differences to any trial, till the arrival of H.M. ships, for as the Admirals of the harbours are themselves traders, they must in most cases be directly or indirectly a party concern'd, the people therefore imagine that they will be partial *etc.* (xvi) In the ports where H.M. ships reside, this Article (*as to the Lord's Day*) is pretty well observ'd, and I hope the Justices of the Peace will take care the same be done in the other places. (xvii) In some places there are some men from New England who keep by-boats to fish, whether they are esteem'd aliens or strangers by the Law I cou'd not really determine, so wou'd not venture to disturb them. (xix) The meaner sort of the inhabitants subsist entirely upon salt provisions and fish, where the countrey is clear'd of the wood, it produces very good grass, the inhabitants breed a few cattle every year, but are cheifly supply'd from the Plantations in America. (xx) They are supplied with cloth, tackle, cloths and other manufactures entirely from Great Britain. (xxi) The wages they allow their servants are different, from £4 to £25 sterl., according to their goodness and stations. They supply them whilst in the countrey with what they call necessarys, which is generally rum att an extravagant price, this deducted they give them a bill for the remainder. (xxii) The charge of fitting out and maintaining a fishing boat for the season amounts to £120 sterl. (xxiii) When it is bad weather and on days not proper for curing of fish, the inhabitants employ their servants about any domestick work they may have occasion for. They generally allow four men to each boat, and make no difference in the price of their fish. (xxiv) The inhabitants in the winter employ themselves in repairing their flakes and stages, and in building and repairing their boats, in cutting wood for fewell and in preparing everything for the ensuing fishing season. Some I apprehend may mispend their time in drinking and debaucherys, especially as till now they had no persons amongst them lawfully impower'd to restrain them from such excesses. (xxv) The furring trade is almost quite lost in this countrey. There was not £500 worth taken last winter, and by their constant cruel usage to the Indians wherever they meet them, all traffick with them is entirely cutt off. (xxvi) Their houses *etc.* are in most places at a convenient distance from the water side. (xxvii) The inhabitants claim a right to all such stages as they have built upon places not possess'd by the fishing ships since 1685, and receive rent for such of them as they do not employ themselves. (xxviii) Five flakes are generally allowed to each of the fishing boats, and they are extended in length from the shore up into the land. (xxix) I cou'd never find in any of the harbours that any regular account had been kept what places belong'd to the fishing ships before nor since 1685. They have indeed a traditional one, which I beleive is pretty exact, there being seldom disputes of this kind. (xxx) The ships that come directly from Great Brittain to Newfoundland are victuall'd and provided with their necessarys of British product, but most of them go first to Ireland where they load with provisions, and take in the Irish passengers that are such an annoyance to this countrey. (xxxi) No ships are allow'd the priviledge of being Admirals in any of the harbours but such as bring proper certificates of their having clear'd out of some port in Great Brittain. (xxxii) The masters of the fishing ships know perfectly what are their priviledges, and are very ready to apply for redress in case they are depriv'd of them either by the Admirals or others. (xxxiii) The boatkeepers generally hire stages, flakes etc. of the planters by lease for a certain term of years, or else they every year build themselves when they come in proper places not belonging to the fishing ships. (xxxiv) The ships from Biddeford and Barnstable are now the only ones that go upon shares with their companys. The charge of fitting out a ship of 100 tons with 50 men and 10 boats is about £100 sterl. (xxxv, xxxvi) I did not convict any persons of carrying on an illegal or contreband trade, and beleive this article is seldom broke. (xxxvii) I am inform'd that every year there is brought to Newfoundland to the value of 10,000 or £12,000 in rum, molosses, sugar, tobacco, bread, and flower from the American Plantations, but none of the other enumerated commodities, nor is any indirect trade carry'd on to Spain, Portugal or any other place that I cou'd find out. (xxxviii) The merchants of New England send their goods to factors residing here, who dispose of them for fish or bills of exchange, if they take fish I am told they chuse the worst sort, which comes att a low price, and which they ship for the Western Islands and the West Indies for the negroes. (xxxix) In St. John's there are 10 taverns or publick houses for entertainment kept by the inhabitants and licens'd by the Justices of the Peace, these often trust the seamen and do many other irregular things, but the greatest mischief is every master of a ship and every by-boatkeeper sells liquors to their own servants att an extravagant rate, and permitt them to run in their debts more than the amount of their wages. (xl) All the inhabitants in general are guilty of this fault (*trusting their servants with rum beyond their wages*), which is a very great prejudice to the Fishery. (xli) £4 10*s.* is generally the price they pay for their passages, sometimes in fish, but too often in the manner above-mentioned. (xlii) This method of trusting the fishermen is certainly the occasion of all the faults, disputes and disorders that happen, and of greater prejudice to the Fishery than 'tis possible to express, but I am att a loss how to remedy so general an evill. (xliii) The masters of the fishing ships and by-boats do most certainly encourage their men to stay behind and connive att their going away to New England in order to save the expence of sending them home. I am told about 200 remained last year including the Irish Roman Catholicks. (xliv, xlv) The New England vessells do every year continue to carry away great numbers of seamen etc., when one of H.M. ships is not in the port they sail from. When we are present we oblige them to enter into bonds under penalty of £500 if they carry away one man, but as the masters of the ships, of the by-boats and the inhabitants are all interested and concern'd in it, it is almost impossible to gett any proof of the breach of these obligations. (xlvi) I strictly commanded the Admirals to enjoin the masters of the ships, by-boats and inhabitants to be very carefull and diligent in the curing of their fish, laying before them the bad consequence it would otherwise have, and that they shou'd return me the names of such as they found faulty therein. They allow 10 hhds. or 640 gallons of salt for the curing every 100 quintals of fish. The fish taken near the shore is the most esteem'd. As I hope the cause of complaint from abroad is ceas'd, I don't trouble your Lordships with anything more relating to this Article. (xlvii) I cou'd not gett any positive or satisfactory account of the state of the French Fishery. (xlviii) There is not any of the French inhabitants remaining att Placentia. (xlix) By the best information I cou'd gain, I did not hear that the French who come to this countrey to fish do anything contrary to the Treatys nor do they ever come from Cape Breton to hunt or fur in the winter. (li) The salmon Fishery formerly belonging to George Skeffington is now in the hands of several people, to whom he has dispos'd of the property he had in it, the quantity caught every year is uncertain, this year about 130 tierces, in Great Salmonier, 100, and in Little Salmonier, about 90. 25½ *pp.*

940. ii. Scheme of the Newfoundland Fishery for 1729. *Totals:* Fishing ships, 190 (including 42 from America); burthen, 12,280; men belonging thereto, 3011; passengers on British ships, 1680; boats kept, 690; by-boatmen, 1,652; quintals of fish made, 170,220, carried to foreign markets, 163,450, and 199 tierces of salmon; train oil made, 1,234½ tons; prices of fish,

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from 28 to 25 ryals per quintal, salmon from £3 to £2 5*s*. pr. tierce; train oil, from £9 to £12 pr. ton. Value of seal oil taken last winter, £1,075, furs, £60; number of stages, 278; of trainfatts, 18; of families, 207; land improved, 2 acres in Trespassy, 3 plantations in Ferryland; number of inhabitants, 1,446; of which remained last winter, 1,241; births, since departure of last convoy, 9; deaths, 8. 4 *pp.*

940. iii. Names of Justices (17) and Constables (33) appointed for the 4 districts (*v.* 12th Nov.). 2 *pp.* *Nos.* i–iii *endorsed as covering letter.* [*C.O.* 194, 8. *ff.* 262–276*v.*, 278*v.*–281, 282*v.*]

Oct. 15.
Councill Office, Whitehall.

941. Mr. Vernon to Mr. Popple. The Lords of the Committee desire the Lords Commissioners for Trade *etc.* to attend them on Thursday next at 6 in the evening, to discourse with them on their reports upon the Memorial of the Agents of Massachusets Bay, and upon the Address of the Council of N. Carolina against their Governor *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 15th, Read 16th Oct., 1729. 1 *p.* [*C.O.* 5, 870. *ff.* 277, 278*v.*]

Oct. 16.
Bermuda.

942. Lt. Governor Pitt to Charles Delafaye. *Entreats his support for following petitions.* *Signed,* John Pitt. *Endorsed,* pr. penny post Nov. 11th, 1730 [*sic*]. *Addressed.* *Sealed.* *Postmark.* 1 *p.* [*C.O.* 37, 29. *No.* 9.]

Oct. 16.
Bermuda.

943. Lt. Governor and Council of Bermuda to the Duke of Newcastle. We *etc.* on behalf of the inhabitants who are great sufferers by the Spaniards, that have taken and illegally detained our vessels and goods: the account whereof is hereunto annexed, which we humbly conceive is against the Law of Nations, earnestly pray for your Grace's concurrence in such measures as in yor. wisdom, you shall find may best tend to the relief of the sufferers. This case we have desired to be humbly presented to His Majesty *etc.* *Pray for* his interest in obtaining their requests in following petition. *Signed,* John Pitt and 6 Councillors. 1¾ *pp.* *Enclosed,*

943. i. Account of the masters vessels and cargoes of Bermuda, lately taken by the Spaniards. 13 ships and cargoes valued at £9,100, and several slaves taken at Turks Islands, £400. *Endorsed,* R. Nov. 11th, 1730. ¾ *p.* [*C.O.* 37, 29. *Nos.* 10, 10 i.]

Oct. 16.
Bermuda.

944. Petition and Representation of the Lt. Governor, Council and Assembly of Bermuda to the King. Several of your Majesty's subjects here who are chiefly supported by trading in their vessels among yor. Majesties Plantations in America have been taken by the Spaniards and carried into Spanish

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ports, as the Havana St. Domingo and others: their vessels and goods been seized and illegally detained (against the Law of Nations we humbly conceive) the masters and sailors exposed to extreme hardships, and the owners so great sufferers, that the only remedy now left them, is at this distance to cast themselves at your Majesty's feet imploring relief *etc.* *Pray* H.M. to grant a small ship of war to be stationed there, and the Commander to advise with the Governor and Council *etc.* *Pray that* the Independent Company of soldiers may be continued there for the better security of the island, " they having upon all occasions exerted themselves, when our coasts have been infested with privateers and pyrates " *etc.* *Signed*, by the Governor, 12 members of Council, and 25 members of Assembly. *Endorsed*, Copy sent to Mr. Keene, Aug. 24th, 1730. 1 *large p.* Torn. [*C.O.* 37, 29. *No.* 11.]

Oct. 16. Bermuda. **945.** Lt. Governor and Council of Bermuda to the Council of Trade and Plantations. *Enclose* above petition and pray for their favourable representation to H.M. *etc.* *Signed*, John Pitt and 7 members of Council. *Endorsed*, Recd. (from Mr. Mitchell) 20th, Read 22nd July, 1730. 1 *p.* *Enclosed*,

945. i. Duplicate of *No.* 943 i. [*C.O.* 37, 12. *ff.* 52, 53, 54*v.*; *and* (*endorsed* Recd. 24th, Read 26th Nov., 1730) 62*v.*]

Oct. 17. **946.** Notes for letter to Governor Hunter (*v.* Oct. 13) and memoranda of other Colonial business transacted at the Privy Council. ? *In Mr. Delafaye's hand.* 1¾ *pp.* [*C.O.* 5, 36. *ff.* 5, 5*v.*]

Oct. 20. New York. **947.** Governor Montgomerie to the Council of Trade and Plantations. *Abstract.* Will obey instructions of 8th May as to the Act *for the easier partition of lands*, and holding courts of Chancery *etc.* *Printed*, N.Y. Col. Doc. V. *p.* 897. *Signed*, J. Montgomerie. *Endorsed*, Recd. 21st Nov., 1729, Read 22nd April, 1730. *Holograph.* 2 *pp.* [*C.O.* 5, 1055. *ff.* 123–124*v.*]

Oct. 23. Whitehall. **948.** Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations reports of 21st March and 14th May upon Col. Dunbar's proposal for settling Nova Scotia *etc.* Their Lordships observing that the first report was made upon a supposition that Irish and Palatine families were all immediately to settle at or near Annapolis and Canco, and the latter that they would settle only between the rivers Kennebeck and St. Croix, and their Lordships being of opinion that it would prove of great service to H.M. and the strengthening his Government in Nova Scotia if settlements were made at both *etc.*, the Lords Commissioners for Trade are to discourse with Mr. Coram and Mr. Hintz about the methods of setling the said familys and to adjust with them the conditions upon which the Palatines are to be encouraged to settle at or near Annapolis and Canco, and the Irish familys to transplant themselves from New England to the lands between the rivers Kennebeck and St. Croix, and to consider of making a due provision for a pastor in each place, and prepare Instructions for the Governor of Nova Scotia for this purpose, it being their Lordships' opinion that all the new settlements to be made in Nova Scotia should be under H.M. Governor of that Province. And they are to insert an article requiring him to supply the Surveyor General of the Woods with 40 men from the garrison of Annapolis for his protection in the woods *etc.* They are to prepare instructions for the Surveyor General requiring him to set out 200,000 acres of wood within the Province of Nova Scotia for H.M. use. Draughts of these instructions to be presented to this Committee. *Set out*, A.P.C. III. *pp.* 187, 188. *q.v.* *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 28th Oct., 1729. 2¼ *pp.* [*C.O.* 217, 5. *ff.* 121–122*v.*]

Oct. 23. Council Chamber, Whitehall. **949.** Order of Committee of Privy Council. The Lords of the Committee took this day into consideration the petition and report concerning Massachusets Bay (Oct. 3 and 8). They were attended by the petitioners who, having the day before received advices of the death of Governor Burnet, submitted whether it was proper to enter into such parts of their petition as were altogether pursuant against him, they being determined by his death; and that as to the article of complaint against him for refusing to issue warrants for the pay of the Assembly men, they have been informed by the Lords Commissioners of Trade *etc.* that he had lately redressed that greivance; and therefore petitioners insisted only on laying before their Lordships the following points, as being of a public nature, and affecting the welfare of the Province, vizt., First that Governor Burnet had not concurred with a resolve of the House of Representatives for supply of the Treasury with 20,000 pounds of bills of credit, for the support and defence of the Government, but had refused to consent to any form for supply of the Treasury, but what was practised before the year 1721. Secondly that he had exacted extraordinary and illegall fees on the shipping. As to the first of which Articles it appeared to their Lordships, that the method of supplying the Treasury by way of resolve was very improper, and not warranted by their Charter; no power being thereby given to raise money but by acts of Assembly; it also appeared, that in the wording this resolve, the House of Representatives had reserved to themselves a power of allowing and passing all accounts, before the Governor could issue any money for the payment of them, which their Lordships conceived to be wholly unwarrantable; and the Agents admitting that the method of the House of Representatives ought to be regulated

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in these two particulars, in the manner hereafter directed, and they engaging to write to the House of Representatives to acquaint them therewith, their Lordships are therefore of opinion, that Instructions should be prepared for the Governor *etc.*, requiring him to take care for the future that no moneys be raised in that Province but by act of Assembly, in which act one or more clauses of appropriation may be inserted, but that the issuing of all moneys so raised, be left to the Governor with the advice of the Councill, according to their Charter; subject nevertheless to a future inquiry of the then present or any other Assembly as to the application of such moneys. That as to the second Article relating to illegall fees exacted upon shipping, it did appear upon the oaths of severall Captains of vessells, that since Governor Burnet's time, a new fee of 12*s.* had been demanded of every ship for a lett pass, and that instead of 6*s.* as a register fee for the Governor, 20*s.* had been demanded; and their Lordships looking upon this, as a matter of very ill consequence, especially as it affects the trading vessells, are therefore of opinion, that instructions should be prepared for the Governor *etc.* not to exact or demand any other fees than what are legall, or have been customarily taken by the Governors of that Province. And their Lordships taking notice that they had received no advices of the Assembly's having complyed with H.M. Instructions relating to the settlement of a salary on H.M. Governor, for the time of his Government, are pleased to direct the Lords Commissioners of Trade to informe themselves of the said Agents, what steps have been taken by the said Assembly in complyance with this Instruction, or are intended; and their Lordships are forthwith to report to this Board the full state of this matter, that the same may be laid before His Majesty, for his directions thereupon. *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 28th Oct., 1729. 4 *pp.* [*C.O.* 5, 870. *ff.* 281–282*v.*, 284*v.*]

Oct. 25.
Jamca.

950. Governor Hunter to Mr. Popple. I thank you for ye news of Lynches Island, they could not have made a better purchase for ye publick service cost what it will. I should be glad your cusing Henderson were of ye Council, I can very rarely make a Quorum, by reason of ye remoteness of some and backwardnesse of others. I have nothing to trouble their Losps. with this bout to recommend again our Protestant Bill, upon the approbation of which the future security of this Island depends. P.S. Mr. Delafay will acquaint you wth. our alarm by a Spanish fleet of 20 large ships. I am still in the dark, tho' this prov'd the Flota. *Signed*, Ro. Hunter. *Endorsed*, Recd. 3rd, Read 17th Feb., 17$\frac{29}{30}$. *Holograph.* 1 *p.* [*C.O.* 137, 18. *ff.* 61, 62*v.*]

Oct. 25.
Jamca.

951. *Same* to the Duke of Newcastle. *Repeats gist of preceding* and reference to letter to Delafaye. *Signed*, Ro. Hunter.

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Endorsed, R. Feb. 2nd. *Holograph.* 1 *p.* *Enclosed,*

951. i. Extracts of Minutes of Council and Council of War, Jamaica, April 6 and 7, 1729.

951. ii. Extracts from Governor Hunter's letters Jan.–Sept., 1729. [*C.O.* 137, 53. *ff.* 180, 181*v.*–184, 185–190*v.*]

Oct. 29. Jamca.

952. Governor Hunter to Mr. Popple. The ship staying after her appointed time, I have an opportunity of adding to the former trouble a copie of His Musketish Maty.'s letters to me, wch. you may communicate to their Losps. He shall have his Commissions in the usual form and what else may keep him in good humour. I have wrote to Mr. Delafay at the instance of ye chiefe folks here some hints relating to ye Bay of Honduras. I durst not offer it directly to their Losps., but leave it to you and him to mention it or let it alone, according as you judge the matter practicable or the season proper and am wth. truth Sr., Your very humble servant, *Signed,* Ro. Hunter. *Endorsed,* Recd. 14th March, Read 3rd June, 1730. *Holograph.* ¾ *p.* *Enclosed,*

952. i. Peter, King of the Musketoes, to Governor Hunter. Sandy Bay, Oct. 3, 1729. As there has always been a good understanding between the subjects of H.M. of Great Britain and the inhabitants of my Kingdom *etc. congratulates him on his appointment etc. Continues :*—Some disorders have happened lately among some of my subjects, inhabiting the outskirts of my Kingdom. The King my Royal Brother lately dying, myself hardly settled on the throne of my ancestors, the Governour also suddenly dying, left the Kingdom in such an unsettled condition as has given some of my people an opportunity to rise in rebellion and commit such outrages as I am ashamed to think of, having robb'd the white people living near them of all they had in the world, nay ev'n of their children, they are at present fled fearing the punishment due to their crimes. But be assured I shall use my utmost endeavours to settle these affairs to the general satisfaction of the white people resideing amongst us, and bring all the offenders to condign punishment *etc.*; in order to which I desire you should send me Commissions sign'd with the Great Seal of the Island, as also one for Jn. Bellawy, who I think a proper person to assist me in the office of Governour of the Southern parts of my Dominions, and likewise one for Charles Holby in the office of General of my Forces and overseer of the Northern parts of my Dominions *etc.* *Signed,* Peter ye King (his mark). *Endorsed as preceding. Copy.* 1½ *pp.* [*C.O.* 137, 18. *ff.* 66, 67*v.*–68*v.*, 69*v.*]

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[Oct. 31]
Council
Office.

953. Minutes of Privy Council. Abstracts of Governor Hunter's letters Jan. 15, July 17 and Aug. 9. Extracts of the two latter were referred to the Council of Trade *etc.* 2 *pp.* [*C.O.* 5, 36. *ff.* 1, 1*v.*

[Oct. 31].

954. A list of Governor Hunter's letters and enclosures, 15th Sept., 1728—6th Sept., 1729. 3 *pp.* [*C.O.* 137, 47. *No.* 16].

Oct. [—].
Kensington.

955. Duke of Newcastle to Governor Hunter. Instructions for entering a *noli prosequi* in the case of Mr. Donnevan if the facts be as stated by him *etc.* *Endorsed,* not used. 3¼ *pp.* [*C.O.* 137, 47. *No.* 14].

Oct. [—].

956. Rough draft of preceding. 1¼ *pp.* [*C.O.* 137, 47. *No.* 14 i.]

Nov. 6.
Whitehall.

957. Council of Trade and Plantations to Governor Hunter. Enclose warrant for using new seal (*v.* Oct. 1st). You are immediately to return to us the old seal *etc.* [*C.O.* 138, 17. *p.* 282].

Nov. 6.
Whitehall.

958. *Same* to Governor Worsley. Similar to preceding. [*C.O.* 29, 15. *p.* 117].

Nov. 6.
Squirrel,
Lisbon.

959. Governor Osborn to Mr. Popple. The season of the year requireing me to sail with the Trade bound to Portugal, I had no oppertunity of makeing any further progress in settling the civil magistracy then I *gave* an acct. of 11th Oct., but I thought it was necessary to leave some Instructions (founded upon those I had the honour to receive) with Lt. Col. Gledhill for his conduct while he remains at Placentia, and in his absence to the Commanding Officer *etc.* *Refers to enclosures.* What has been received from the Office of Ordinance, expended, or sold, I could get no acct. of, (notwithstanding I gave an order to the Storekeeper for that purpose) *etc.* *Signed,* Hen. Osborn. *Endorsed,* Recd. 6th Dec., 1729, Read 8th April, 1730. 2 *pp.* *Enclosed,*

959. i. Warrant by Henry Osborn, "Governor and Commander in Chief in and over the Island of Newfoundland in America, the fort and garrison at Placentia, and all other forts and garrisons erected or to be erected in that Island," to William Keen, William Weston and Alyn Southmayd, Justices of the Peace, in St. Johns, directing them to build a prison and make an estimate of a rate for that purpose. St. Johns Harbour, 23rd Aug., 1729. *Signed,* Hen. Osborn. *Copy.* 1 *p.*

959. ii. Messrs. Keen, Weston and Southmayd to Governor Osborn. St. John's, Aug. 25th, 1729. *Propose* rates, as described Nov. 12th, encl. i, to raise £150 sterl. *Signed,* W. Keen, Wm. Weston, Alyn Southmayd. *Copy.* 1 *p.*

959. iii. Warrant by Governor Osborn, directing same to raise levy proposed. St. John's, 26th Aug., 1729. *Signed,* Hen. Osborn. *Copy.* 1 *p.*

959. iv. Proclamation imposing above rate. St. John's, 5th Oct., 1729. *Signed,* Hen. Osborn. *Copy.* 1 *p.*

959. v. Warrant to Mr. Justice Weston, Roger Dench and John Degrave for collecting *above* rate *etc.* 11th Oct., 1729. *Signed,* Hen. Osborn. *Copy.* 1¾ *pp.*

959. vi. Specification of proposed prison. ½ *p.* *Nos.* i–vi, *endorsed as covering letter.*

959. vii. Instructions given by Governor Osborn to Lt. Gov. Gledhill and the Commanding Officer for the time being. 6th Sept., 1729. (i) You are to obey the instructions you have received, or shall receive from me. (ii) You and the garrison are not to concern yourselves in the Fishery, interrupt the fishermen, or take any beaches, stages or cook rooms. (iii) You are to use your utmost endeavours to prevent illegal trade *etc.* (iv) To require obligations from New England masters not to carry away seamen and handicraftmen belonging to Newfoundland, and to see that such are properly witnessed. (v) To secure delinquents in the fort. (vi) Report proceedings. *Signed,* Hen. Osborn. *Same endorsement.* *Copy.* 3 *pp.*

959. viii. Account of Stores of War in Fort Frederick. Placentia, Sept. 9th, 1729. *Signed,* Charles Trowe. *Same endorsement.* 4 *pp.* [*C.O.* 194, 8. *ff.* 250–252*v.*, 253*v.*–257*v.*, 259–260*v.*, 261*v.*]

Nov. 6. Whitehall. **960.** Duke of Newcastle to the Council of Trade and Plantations. Encloses copies of papers relating to the suspension of Lewis Morris, for their report. *Signed,* Holles Newcastle. *Endorsed,* Recd. 9th Nov., Read 17th Dec., 1729. 1 *p.* *Enclosed,*

960. i. Copy of *No.* 827. *Endorsed,* Read 17th Dec., 1729. 11½ *pp.* [*C.O.* 5, 1055. *ff.* 48, 49*v.*–56*v.*, 57*v.*]

Nov. 6. Barbados. **961.** Governor Worsley to the Duke of Newcastle. *Encloses* duplicate of Sept. 27th, since which he has issued writs for a new Assembly *etc.* *Continues* :—They were accordingly chosen the 3d, and mett together the 4 instant *etc.* *Repeats* part of 27th Sept. *Continues* :—As I have not as yet had the honour to receive H.M. commands in relation to the law, the people

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mett together and have chosen the same representatives as were in, the last year, so that I presume they will still persist in their opinion, that the law is determined, at least till H.M. shall be pleased to signifie to the contrary by his order in Council *etc.* Othniel Haggatt Esq. died in his passage to Bermuda, where he intended to go, for the recovery of his health *etc.* *Recommends*, to fill his place in the Council, Thomas Maxwell Esqr., son of the late Thomas Maxwell Esq., who was many years a member of Council. " Mr. Maxwell is extreamely well affected to the Crown in the House of Hanover, and is a gentleman of a very good and clear estate," *etc.* *Signed*, Henry Worsley. *Endorsed*, R. Jan. 23. 3 *pp.* [*C.O.* 28, 45. *ff.* 75–76*v.*]

Nov. 7.
O.S. 1729.

962. Governor Osborn to the Duke of Newcastle. Duplicate of *No.* 959, *mutatis mutandis*. *Signed*, Hen. Osborn. *Endorsed*, R. 6th Dec. *Holograph.* 2¼ *pp.* *Enclosed*,

962. i–viii. Duplicates of *Nos.* 959 i–viii. [*C.O.* 194, 24. *Nos.* 16, 16 i–viii].

Nov. 10.
London.

963. Thomas Coram to the Council of Trade and Plantations. Pursuant to your commands I here present to your Lordships' consideration, two or three hints which I most humbly conceive are necessary to be observed in the settlement to be made in the King's Country of Nova Scotia, by a proposed colony of German families under the care of Mr. Daniel Hintze. (i) A tract of land ten miles square to be laid out *etc.* (ii) All highways and principal streets not to be less than 70 feet wide, streight and convenient, to be laid out by H.M. order and recorded in their books of the township, before any division of land be made of 100 acres to every person who shall transport himself thither under Mr. Hintze, and to their heirs, if they do not forsake it *etc.* For their better security against the Frenchified Indians, and [to] prevent the evil consequences which the inhabitants of New England have allwayes suffered under, by settleing in an irregular stragling and unsafe manner at first, according to every one his particular averice or fancey, there should not be lesse than sixty of the German families to settle contiguously at first in each and every village to be by them made and settled, and not to exceed three English miles from one village to another where the land will admit of it. (iii) In laying out all lands, whether it be for townships or privat persons, strict and due regard to be had for the encouragement and conveniency of industry and commerce on all occasions *etc.*, always leaving land sufficient free all along by the side of all the sea-coast, and by the sides of all navigable rivers ; and creeks, and by all other waters which may be navigable for a space of 100 feet in breadth, from all and every part of the sea and other navigable water *etc.*, to remain free and common for

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the general conveniency of keys, wharfes, common passage, and other occasions of the inhabitants. P.S. That all fishing be free to them and their heirs forever on the sea coasts and on all navigable rivers and other waters. *Signed*, Thomas Coram. *Endorsed*, Recd. 10th, Read 11th Nov., 1729. $2\frac{1}{8}$ *pp.* [*C.O.* 217, 5. *ff.* 123–124*v.*]

Nov. 12. New Providence. **964.** Governor Rogers to the Duke of Newcastle. Duplicate, *mutatis mutandis*, of following letter to Council of Trade. *Signed*, Woodes Rogers. *Endorsed*, R. Jan. 25th. 2 *pp.* *Enclosed*,

964. i. Journal of Assembly of the Bahama Islands, 29th Sept.—8th Dec., 1730. 55 *pp.* [*C.O.* 23, 14. *ff.* 145, 145*v.*, 146*v.*, 148–175.]

Nov. 12. New Providence. **965.** Governor Rogers to the Council of Trade and Plantations. This is the first opportunity I have had directly from hence to do myself the honour of writing your Lordships since my arrival which was on the 25th of August after a very severe passage. The inhabitants of these islands expressed a a general satisfaction at the hearing my commission read to find that H.M. has been pleased to appoint an Assembly, which I have thought it was very necessary to call together as soon as possible, that we might begin to make some laws, in order to encourage people from our neighbouring Colonies to come and settle amongst us, and therefore I gave the usual notice for calling an Assembly, which was chosen as well as could be expected out of the present few inhabitants and some of the Gentlemen that came over with me, and met for the first time on the 30th Sept.; but by reason of the disorders the place was in, occasioned by a violent hurricane three weeks before my arrival which had blown down the greatest part of the houses on the island, and an ague and feaver reigning ever since, the Assembly has not been able to sit and do so much buisness as was wanted in a new Colony, there are twelve acts passed (*v.* encl. i) *etc.* I purposed to have transmitted them home by this conveyance, but at this time there are not good hands in health fit to engrosse them in time *etc.* I am obliged to deferr sending them till H.M.S. *Alborough* and *Happy* who are now in this harbour return to S. Carolina, which will be in a few days to careen there and provide such necessaries as they may want to continue amongst these islands to survey them, with the Gulph and Windward passage according to their orders. I have thought it more proper on account of the condition I found the island in to deferr sending for the Independent Company from Bermudas till the fort, guardrooms and other places which are either blown down or very much out of repair are fitted up for their reception, which I hope will be in a month's time when I intend to send for them, having already

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hired a vessell for that purpose, and I hope by that time we shall be in a better state of health and have some conveniencies for receiveing new inhabitants, which I am informed we shall soon have from Bermudas and the Leeward Islands. I don't doubt when we get industrious people, such as the Bermudians generally are and who are well aquainted with these islands, but we shall be able to raise a sufficient quantity of provisions (which now we are in want of as much or more than we were ten years ago) and many comodities necessary for trade which is now at a very low ebb. My predecessor and his spouse are still on the island but will depart for South Carolina in few days. Your Lordships shall have a particular account of the state of these islands and the condition of the fortifications here, with the proposed improvements, this winter and spring with an exact account of the number of the inhabitants *etc.* *Signed,* Woodes Rogers. *Endorsed,* Recd. 27th Jan., Read 22nd April, 1730. 2 *pp.* *Enclosed,*

965. i. List of Acts of Bahamas passed 1729. (i) For the encouragement of strangers and foreigners settling in these islands ; (ii) for settling of claims and paying of quit-rents ; (iii) for laying out and regulating preserving and clearing publick common highways throughout the island of New Providence ; (iv) to prevent the destroying by fire all timber trees growing on these islands ; (v) for the better regulating and governing negroes and other slaves ; (vi) to prevent the exportation of timber, plank and other materials fit for building of vessels to any American Colony ; (vii) for levying divers sums of money for defraying the publick charges ; (viii) for the better laying out the town of Nassau and regulating the building of the same ; (ix) to prevent damages done by cattle running loose ; (x) to encourage the stocking of keys and islands with cattle and to punish such as destroy the same ; (xi) to encourage the planting of cotton on these islands ; (xii) to prevent the stealing and destroying of fruits and other provisions being the the produce of these islands. *Same endorsement.* 1 *p.* [*C.O.* 23, 2. *ff.* 210–212*v.*]

Nov. 12.
Treasury Chambers.

966. Mr. Scrope to Mr. Popple. Encloses following for the opinion of the Council of Trade thereon. *Signed,* J. Scrope. *Endorsed,* Recd., Read Nov. 13th, 1729. *Addressed.* $\frac{2}{3}$*rds p.* *Enclosed,*

966. i. Representation of Governor, Council and Assembly of New York to the Lords Commissioners of the Treasury. The inhabitants of this Colony having generally applyed themselves to tillage and husbandry and bread and flower being their staple commoditys

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which at present by the great quantity's thereof manufactured in this and the neighbouring colonys, are both here and in the West Indies reduced to so low a price as that neither the merchant or farmer can find his account therein, and we having no means so open to view for the enlargement of our trade and commerce, as by applying ourselves to the establishment of a Fishery being most commodiously scituated for the same which nevertheless we cannot presume to attempt least the statute of K. Charles II. *etc.* for the encouragement of trade confineing the importation of salt to Newfoundland and New England should at any time be construed to our disadvantage. *Pray for* their mediation with the Legislature for the same privilege to be granted to them as to the Colonies abovementioned, and to Pennsylvania by a statute of the first year of his present Majesty. Connecticut, admitted to be a part of New England, enjoys the free importation of salt from Europe, whereas New York is supposed to be excluded, although Nassau or Long Island entirely forms the southern shore of that arm of the sea, whereof Connecticut does not wholly compose the northern shore *etc.* Granting this request will soon appear a general benefit to Great Britain "by an additional strength to the navigation thereof and the greater consumption of the wollen manufactures as this priviledge will enable us to make more direct and advantageous returns for the same." *Signed,* J. Montgomerie; *and* 9 Councillors; Ad. Philipse, Speaker, *and* 25 members of Assembly. *Endorsed as preceding.* 1 *large p.* [*C.O.* 5, 1055. 33–35*v.*]

Nov. 12. Whitehall. **967.** Order of Committee of Council. The Council of Trade and Plantations are to report, by the 19th, on the Acts of New York complained of in following petition, and any others they may have since received in relation thereto. *Signed,* Ja. Vernon. *Endorsed,* Recd., Read Nov. 13th, 1729. 1½ *pp. Enclosed,*

967. i. Petition of Merchants of London trading to New York in behalf of themselves and merchants and factors in New York, and of the several manufacturers concerned in the fur trade, to the King. *Complain* that several Acts passed there prohibiting trade with the French in goods proper for the Indian commerce have tended to the ruin of trade with the remote Indians, are destructive to the interest of British traders in general and of New York in particular, and are a breach of the Governor's positive instructions.

Quote procedure on the Acts in 1724, 1725 *etc.* Explain effect of the Acts, and request their repeal and remission of all fines and forfeitures made by virtue of them. 74 *signatures.* *v.* A.P.C. III. *No.* 165. *Copy.* 47 *pp.* [*C.O.* 5, 1055. *ff.* 3–27, 28*v.*]

Nov. 12. Whitehall. **968.** Duke of Newcastle to the Council of Trade and Plantations. I herewith send you, by H.M. command, a copy of a letter I have received from Major-General Hunter *etc.* H.M. would have you examine the Acts of Assembly lying before you, for encouraging the new settlement at Port Antonio, and make your report upon them assoon as conveniently you can, that no time may be lost in the carrying on of a work which the Governor represents to be of such consequence to the security and improvement of that Colony. H.M. has also commanded me to send you the inclosed copys of letters to me from Sir Richard Everard Govr. of N. Carolina, and from Mr. Porter Judge of the Admiralty there, relating to the disputes between the Governor and the Secretary and some other officers of that Plantation, into which you will be pleased to examine and report the state of the case as it shall appear to you, with your opinion what is proper for H.M. to order upon it. The letter from Capt. Osborne Govr. of Newfoundland, of which I herewith transmit to you a copy, having also been laid before the King, H.M. ordered me to refer it to your consideration how far that Gentn. has exercised the powers and instructions entrusted to him, and what further directions are proper to be given upon the several points mentioned in his letter. *Signed,* Holles Newcastle. *Endorsed,* Recd. 13th, Read 26th Nov., 1729. 1⅔ *pp.* *Enclosed,*

968. i. Copy of *No.* 896. *Endorsed as covering letter.* 3 *pp.* [*C.O.* 137, 18. *ff.* 47, 47*v.*, 48*v.*–50*v.*]

Nov. 12. Whitehall. **969.** Council of Trade and Plantations to the Committee of Privy Council. In obedience to your Lordships' directions, 23rd Oct., we have prepared an Instruction for William Dummer Esq., Lt. Govr. of the Massachusets Bay, relating to the new method of raising money by resolves, instead of Acts, of Assembly, and to the exacting of unusual fees for registring, and letpasses for ships. We have likewise in pursuance of your Lordships' orders, inquired of the Agents for the Assembly of the Massachusets Bay, wt. steps have been taken by the said Assembly in complyance with H.M. Instruction, relating to the settlement of a salary on his Governor, or are intended to be taken by them, for that purpose, whereunto ye sd. Agents answer'd, that they desir'd to be referr'd to the last resolutions of their Assembly, for their intentions upon that subject, for they had nothing new, to offer upon that head. Whereupon the Board considering the importance of this matter, and being

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very desirous, if possible, that H.M. Instructions so evidently calculated for the interest of Great Britain, and for ye service of that Province, might obtain its proper effect, and apprehending that the death of Mr. Burnet might possibly produce some alteration in the state of this affair, did adventure to offer to the consideration of ye sd. Agents that since it was agreed on all hands, that their Assembly were by the terms of their Charter oblig'd to make a provision for their Governor, since £1,000 per annum sterling had been thought by their own Assembly, to be a reasonable provision for that purpose; and since fix'd salaries have at several times been provided by Acts of Assembly, for the Council and Assembly-men of that Province; that their Assembly should pass one genl. act, whereby a future provision should be made for their Govr., Council and Assembly. Upon the first starting of this proposition, the Agents seem'd to embrace the same wth. great readyness; but upon further discourse, and explanation, it appeared to the Board, that some of the acts for providing for the Council and Assembly-men were about to expire, and the Agents apprehended that they would not for the future be renew'd, but annually, so that in effect, the intention of the sd. Agents upon this head, appeared to the Board, to be, that the Assembly would for the future provide for the Council and Assembly, as they had done for their Governor annually, and not for their Governor, as they had heretofore done for the Council and Assembly. Whereupon in order to bring this matter to a clear and certain issue, ye board desir'd to know of the said Agents, whether they believed the Assembly of ye Massachusets Bay would come into any such provision for their Governor, as would render him independant of ye said Assembly; to which they answer'd possitively, No; for that to their certain knowledge, Mr. Burnet had attempted to engage the Assembly to a three years provision only, in private discourse wth. ye Members; but that the same had been absolutely refus'd. This being the result of our first conversation with ye said Agents, we were about to prepare a report to your Lordships, upon the obstinate behaviour of ye said Assembly, on the great consequence of this dispute to ye trade and interest of Great Britain, as well as to the authority of the Crown, and on the repeated attempts the Assemblies of this Province have made towards ye shaking off their obedience to the Crown, and their dependence on their mother countrey, when the said Agents did once more apply to us to ye following effect; that having reflected upon what pass'd the last time they attended this Board; having reconsider'd their letters, and apprehending that ye death of Mr. Burnet might have abated the animosity of this dispute, and have made some alteration in the temper of this Province; they were ready to transmit any propositions to the Assembly, that this Board should make to them, and would, as far as was compatible with their stations, enforce the success thereof. Upon which the Board acquainted them, that they would apply to H.M. for leave to make them a proposition in writing, and would humbly entreat H.M. to suspend his just resentment against the Province, until such time, as ye effect of ye sd. proposition should be known. We have accordingly drawn up a proposal, which is hereunto annexed, and if the same shall prove agreeable to yor. Lordships' sentiments, your Lordships will be pleased to obtain H.M. Commission that we may deliver the said proposal to the Agents of the Massachusets Bay, with directions to transmit it to the Speaker of their Assembly. *Annexed,*

969. i. Proposal submitted by the Council of Trade and Plantations to the Committee of Council for transmission by the Agents of the Massachusetts Bay. The Lords Commissioners for Trade and Plantations have perused the several speeches, votes, messages, and answers, that have pass'd between Wm. Burnet Esq., late H.M. Governor *etc.* and the Assembly, upon the subject matter of H.M. 23rd Instruction to Mr. Burnet, wherein it is recommended to the sd. Assembly to settle a fix'd salary upon their Governor, and their Lordships are sorry to observe that the Assembly have not only hitherto refused to comply in any sort, with ye tenour of that Instruction, but that they seem likewise, in some of their answers upon that subject, to have forgotten that decency and respect, which is always due to their Govr. who has the honour to represent H.M. person in that Colony. The consequence of wch. proceedings, if matters shou'd continue in this state, must naturally be, that H.M. will find himself under a necessity of laying the undutifull behaviour of this Province, before the Legislature of Great Britain, not only in this single instance, but in many others of the same nature and tendency, whereby it manifestly appears, that their Assembly, for some years last past, have attempted by unwarrantable practices, to weaken, if not intirely to cast off, the obedience they owe to ye Crown, and ye dependence, which all Colonies ought to have upon their mother country. However as their Lordships do conceive it is not improbable that the frequent disputes between the Assembly and their late Governor, were carryed to a great height, and were become almost intirely personal, might have had some influence upon their conduct, and have given a wrong byass to their determination in this particular, and as their Lordships are not without hopes, that upon cooler reflection, the people of the Massachusets Bay, may be brought to a

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juster sence of their duty, and interest; they are for this time willing to interpose with H.M. in behalf of the Province, that he may be graciously pleas'd to suspend his just resentment, till their Assembly shall have had one more opportunity of debating ye weight of his royal Instruction, and the consequence that may attend their refusal to comply with so reasonable a recommendation, wherein the trade and interest of Great Britain are more concern'd, than the authority of the Crown. And in the mean time, their Lordps. do propose to the Assembly of ye Massachusets Bay, that they do pass a law whereby it shall be declared that ye salary of their Governor for ye time being, shall be one thousand pounds pr. annum sterling, clear of all deductions, and that the said salary be constantly paid out of such monies as shall from time to time be raised for the support of the Government, and defence of ye inhabitants of the said Province. Their Lordships have directed their Secretary to deliver this proposal to Francis Wilks and Jonathan Belcher Esqrs., Agents for the Assembly of the Massachusets Bay, that they transmit the same to the Speaker of the said Assembly.

969. ii. Draught of H.M. Additional Instructions to William Dummer, Lt. Governor of the Massachusets Bay, and to the Commander in Chief of the said Province for the time being. Whereas an unwarrantable practice hath of late years been introduced into the proceedings of the Assembly of Our Province of the Massachusets Bay, of raising money, and supplying the current service of the year, by a vote or resolve, instead of an Act of Assembly, and of reserving thereby to the said Assembly a power of determining what accompts shall, or shall not be paid even after the services performed, expressly contrary to ye tenour of the Charter granted to this Province by Our royal predecessors King William and Queen Mary, whereby they are impower'd to raise monies for the support of Our Government, and for ye defence of ye inhabitants, by act, or acts of Assembly only; and the issuing of the said money, when rais'd, is expressly reserv'd to Our Governour for the time being, with the advice and consent of Our Council, of the said Province. Now Our will and pleasure is, and We do hereby require you to take care for the future, that no mony be raised, or bills of credit issued in that Our Province of ye Massachusets Bay, but by act, or acts of Assembly; in wch. act, or acts, one or more clauses of appropriation may be inserted, but that the issuing of all

monies so raised, or bills of credit, be left to Our Governour or Commander in Chief of Our said Province, with the advice and consent of Our Council, according to their Charter, subject nevertheless to a future inquiry of the then present, or any other Assembly, as to ye application of such monies. And whereas complaint hath been made to us, that Our trusty and well-beloved William Burnet Esq. late Governor of Our said Province, did exact certain illegal, and unaccustomed fees on shipping; Our further will and pleasure is, and We do hereby strictly command, that neither you, Our sd. Lieutenant Governor, nor any succeeding Governor, or Commander in Chief, of Our said Province, do presume to exact or demand, any other fees, than what are legal, and have been customarily taken by the Governors, or Commanders in Chief for registring of ships, and for lettpasses, on any pretence, or account whatsoever. [*C.O.* 5, 916. *pp.* 210–220; *and, copy of encl. i. only,* 5,752. *No.* 40.]

Nov. 13. Whitehall. **970.** Mr. Popple to John Oxenford, Asst. Inspector General of H.M. Customs. Requests returns of annual imports and exports to and from New York since Xtmas, 1723, by Tuesday morning. [*C.O.* 5, 1125. *p.* 131.]

Nov. 13. Whitehall. **971.** *Same* to Mr. Fanc. Encloses 12 Acts of New York for his opinion in point of law and requests report by Monday on that *for continuing acts for discharging the present demands on the trading house at Oswego.* [*C.O.* 5, 1125. *pp.* 132–135.]

Nov. 14. Jamca. **972.** Governor Hunter to Mr. Popple. This is only to acquaint you with the death of Mr. Forbes one of the Council. This is a sensible losse to this Island and more particularly to me. I have formerly recommended to their Losps. in case of vacancys there, Wm. Nedham Esq., Mr. Charlton and Mr. Henderson, but must know men better before I make any addition to my recommendation. You can not imagine the difficulty's I lye under by the non-attendance of ye Gentlemen of the Council, wt. much a do I gett together a Quorum once in half a year perhaps, and ev'n then I can not keep them in town above a day. I beg that their Losps. may at least gett the vacancys supply'd as they fall out and add a supernumerary as in other Provinces *etc.* *Signed,* Ro. Hunter. *Endorsed,* Recd. ———, Read, 17th Feb., 17$\frac{29}{30}$. *Holograph.* 1 *p.* [*C.O.* 137, 18. *ff.* 63, 63*v.*]

Nov. 14. St. George's River. **973.** John Gyles to [? Col. *Jeremiah Dunbar*]. On ye furst currant Wenogenet ye Chief of ye Panobscut tribe and other princable Indians gave me a visett *etc.* I reherst sum part of

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your honourable letter to them and assuered them you did not propose to plant further then St. George's Rivver at present, only ye timbers for mast *etc.* as far as Pasmaquady *etc.* (*Whereat*) they seemed to look with new faces, they being informed before by sum whitts and others that ar enimies to ye plan(*t*)ing these parts *etc.* that your honour was com to hinther them of all thier priviliges to Pasmaquady *etc.* Your honour and others that ar well wishers to ye settling this Continant wth. a Protistant people, will meet wth. sum apposers, it is a great work your honour has unthertaken (but God is all sufficient) and affears look with a fairer prospect for settlements *etc.* Will use his influence to pacifie the Indians *etc.* *Signed,* John Gyles. *Holograph.* 1 *p.* [*C.O.* 5, 10. *No.* 23.]

Nov. 15. St. George's Fort. **974.** *Same* to *Same. Encloses following,* "and pray pardon ye pen man he being nin years in captivity and brought up in ye woods when he should have had scool larning" *etc. Thinks that* some things were misinterpreted to the Indians when they paid him a visit. "The Messengor is return'd from Caneday and Ye Governr. thier advises ye Indians to live in frindship with ye English" *etc. Signed,* John Gyles. *Endorsed,* in Col. Dunbar's letter of Dec. 30, 1729. 1 *p. Enclosed,*

974. i. Chiefs of the Penobscut Indians to Col. Dunbar. St. Georges, Nov. 14, 1729. We heard your letter *etc.* and like it well and we hear you ar planted at Pemaquid, it was unknown to us but since you ar settling ye old settlements we concent to it, and not to exceed ye old boundarys of Pamaquid. We ar well pleased to hear of your observing the articles of peace made between us and ye Massachusets Bay. Good freind you say you ar imploied by H.M. King George, if you pass St. George's River we shall be uneasy *etc. Four Totem marks.* Overleaf, we wright to you Colo. Dunbar, the new Gent. man att Pamaquid. 1 *p.* [*C.O.* 5, 10. *Nos.* 24, 25.]

Nov. 15. Portsmo. N. England. **975.** Lt. Governor Wentworth to the Council of Trade and Plantations. *Begins with duplicate of* 7th Sept. Encloses Minutes of Council and of Assembly to 15th May and account of stores of war. *Continues:*—I am still complaining for want of stores, our stock being very small. I yet live in hopes a good peice wth. Spain will give us some. I hope our Agent Mr. Newman will apply himself properly to the Ministry at home. *Acknowledges* letter of 28th May. *Continues:*—I shall do everything in my power to assist Collo. Dunbar *etc.* He has gone to the Eastward, and sett down at a place called, Pennequid, where we formerly had a strong fortification, but the country to save charges gave the command to a scrub fellow, who in the late war (about 1702) had for some years been serjent, and a French man of war of 40 gunns demolished it,

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and I well remember the reason why it was not rebuilt was, the Massachusets suppos'd it belong'd to the Crown *etc.* I very well approve of Collo. Dunbar's settling first at Pennequid, and rebuilding that fort, it may be means of keeping the Indians at peace, and thereby giving him an opportunity of settling downward as he sees fitt. This land ten miles or more up the river is fine land, and good harbour. I hear Collo. Dunbar is very expeditious, and in case the season proves moderate, he will soon be strong enough to defend himself from the Indians, it's a very fine country down as far as Mount Desert, or the Bay of Funda, and provided the Collo. settles strong on that coast, the Indians in a few years will be obliged to quitt that country, or come into their living, as the English do, for the settlements will drive all hunting far from them, and I don't know but a just treatment of them in all our trade will bring them to be our friends. I hope Col. Dunbar's coming, and alteration of former act, may pritty well answer, in case the officers do their duty, there has been no complaint as yet; I have by Coll. Dunbar's desire issued forth proclamations forbiding all persons going into the woods, to fell any pine trees untill further orders. The officers have been diligent since their arrival, and I hope things will be founded on a better footing then before, and if I should at any time see any mismanagement in respect to the woods, if I cant prevent it, I shall always think it my duty to acquaint your Lordships thereof. *Signed*, Jno. Wentworth. *Endorsed*, Recd. 29th Jan., $17\frac{29}{30}$, Read 9th June, 1731. $2\frac{1}{2}$ *large pp. Enclosed*,

975. i, ii. Accounts of stores of war spent and remaining at Fort William and Mary, N.H., 28th May, 1728 and 15th Nov., 1729. *Signed*, J. Wentworth. *Endorsed*, Recd. 29th Jan., $17\frac{29}{30}$. 2 *pp.* [*C.O.* 5, 872. *ff.* 162–163*v.*, 164*v.*–165*v.*]

Nov. 17. **976.** Mr. Fane to the Council of Trade and Plantations. *Reply to* 13th Nov. upon act of New York for *continuing and enforcing the Acts therein mentioned for discharging the present demands on the trading house at Oswego by borrowing money of the Excise till 25th Dec.,* 1733, *for continuing some duties and augmenting others until that time, for regulating those duties and the trade at Oswego for the gradual repayment of money borrowed of the Excise, and for reducing former fines, if voluntarily paid within the time therein limitted.* He has had no opportunity of considering the acts referred to by it, but on the face of it it is liable to objections. (i) Persons who do not appear before the Commissioners on the third summons or refuse to take the oath appointed in a former act is adjudged convict of having traded with the French contrary to the law of the Colony. This is very extraordinary and against law, as it obliges persons by their own confession to accuse and subject themselves to a

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penal law or else to be under the greatest temptation of perjury, and this on their being barely suspected; in case of non-appearance, they may be subjected to penalties without the least knowledge they were summoned, the act not making it necessary the summons should be personally served; if they do appear and refuse to take the oath when tendered, tho' not accused on oath or otherwise of any breach of the laws they are to be judged convict *etc.* (ii) By this act on conviction by a warrant from the Commissioners in a summary way, without any legal trial or judicial determination, to the Sheriffe, the Sheriffe is required within two months to seize all the reall and personal estate of all and every the persons so adjudged convict *etc.*, and if no estate be found, then to seize their persons *etc.* and commit them to the common goale till the fines paid *etc.*, which power is a most extraordinary one tending to deprive persons of their inheritance their property and liberty and that without any tryal by a jury or any legal determination *etc.*, and under this act an estate of 10 or £20,000 may be alienated for ever to satisfie a fine of £300, the act directing the whole real or personal estate to be sold. (iii) The books kept by these Commrs. when collated and signed are to be lodged one in the Secretary's Office and the other to remain at Albany, and both are enacted to be matter of record against wch. there shall be no averment. This seems to be a most illegal and arbitrary clause and it is stripping the subject in an unpresidented manner of his right of defence and if compared with the preceding part of the act is vesting an absolute power in any two of these Commissioners over the liberty, estates and whole property of the Province. (iv) A single Justice of the Peace is empowered and required to determine all differences between the New York and Indian traders at Oswego and his judgmt. to be final, and this without limitation as to the value and on non-complyance therewith the person agt. whom such judgmt. is given is to forfeit £10 and a certificate of the facts under the hand of the Justice is to be allowed sufficient proof on wch. to recover the sd. forfeiture of £10. This is a most arbitrary power and without precedent *etc.* (v) All strouds are declared liable to duties laid by former acts. This is I think passed in breach of the Governor's instruction by wch. he is forbid to pass any act laying a duty on the importation of European comodities and in direct opposition to several Acts of Parliament for encouraging the exportation of manufactures *etc.* *Signed,* Fran. Fane. *Endorsed,* Recd., Read 18th Nov., 1729. $2\frac{2}{3}$ *pp.* [*C.O.* 5, 1055. *ff.* 44–45*v.*]

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Custom-House (London).

977. Account of annual imports and exports from and to New York. Xtmas 1723–8. *Imports:* £21,191 2*s.* 3*d.*; £25,316 18*s.* 9*d.*; £38,307 17*s.* 10*d.*; £31,617 8*s.* 1*d.*; £21,003 12*s.* 11*d.* *Exports:* £63,020 0*s.* 9*d.*; £70,650 8*s.*; £84,850

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18*s.* ; £67,373 6*s.* 3*d.* ; £78,561 6*s.* 4*d.* *Signed,* John Oxenford, A. I. Genl. *Endorsed,* Recd. (from Mr. Oxenford), Read Nov. 18, 1729. ½ *p.* [*C.O.* 5, 1055. *ff.* 46, 47*v*].

Nov. 19. Whitehall. **978.** Council of Trade and Plantations to the Duke of Newcastle. Enclose copy of Lt. General Mathew's letter (14th Sept.) signifying the death of Lord Londonderry *etc.* *Autograph signatures.* 1 *p.* [*C.O.* 152, 40. *No.* 26 ; *and* 153, 15. *p.* 36.]

Nov. 19. St. James's. **979.** Order of King in Council. Approving Representation of Board of Trade, and ordering an additional Instruction to the Governor of the Leeward Islands, relating to English Harbour in Antigua, to be prepared. *Signed,* Edward Southwell. 1 *p.* *Endorsed,* Recd. 30th May, Read 4th June, 1730. 1 *p.* *Enclosed,*

979. i. H.M. Additional Instruction to Governor the Earl of Londonderry. *Referred to in preceding.* St. James's. 21st Nov., 1729. [*C.O.* 152, 17. *ff.* 144, 145*v.* (*without enclosure*); *and* 5, 192. *ff.* 42, 43–45.]

Nov. 19. Whitehall. **980.** Council of Trade and Plantations to the Committee of the Privy Council. *Abstract.* Pursuant to orders of 12th inst., report upon acts of New York prohibiting the sale of goods proper for the Indian Trade to the French at Canada. *Refer to* report of 16th June, 1725, and repeat objections there stated. All the acts passed since relating to this matter are liable to the same objections, and likewise to several others, such as entrusting too great powers in the hands of the Commissioners appointed to put those acts in execution, as also in the farmers of this revenue *etc.*, who have authority to search at all times and in all places, by day or by night, for certain species of Indian goods, without being obliged to take any peace officer with them in such searches, tho' the said farmers are to gain one moiety by the confiscation *etc.* *Propose,* therefore, repeal of the six acts passed since their report of 16th June, 1725, for regulating the Indian trade *etc.* *Conclude* : But we have always apprehended the prohibition of *such* commerce with the French there, to be of very great importance, and that the security of the British Plantations in those parts, is highly concerned in the event of this dispute. *Printed,* N.Y. Col. Doc. V. *pp.* 897–9. [*C.O.* 5, 1125. *pp.* 135–140.]

Nov. 19. Whitehall. **981.** Mr. Popple to John Scrope, Secretary to the Lords of the Treasury. *Reply to* Nov. 12th. *q.v.* My Lords Commissioners apprehend the people of New York are as justly entituled to this indulgence, as those of New England or Pennsylvania, and have no objection to the representation of the Governor, Council and Assembly *etc.* [*C.O.* 5, 1125. *p.* 141.]

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982. Order of King in Council. The Lords Commissioners for Trade and Plantations are to prepare Instructions for all H.M. Governors abroad to be aiding and assisting the Collectors there of the 6*d.* per month from seamen's wages for the Royal Hospital at Greenwich pursuant to the Act of Parliament and to annex to each draught of Instruction a printed copy of the Instructions to Deputy Receivers *etc.* *Signed,* Edward Southwell. *Endorsed,* Recd. 21st Nov., Read 2nd Dec., 1729. 1½ *pp.* *Enclosed,*

982. i. Instructions to Receivers referred to in preceding. *Printed.* 4 *pp.* [*C.O.* 323, 9. *ff.* 20–22*v.*, 23*v.*]

Nov. 19.
St. James's.

983. Order of King in Council. Confirming Act of the Leeward Islands *to invest certain lands in H.M. for the use of H.M. ships of war.* *Signed,* Edward Southwell. *Endorsed,* Recd. 30th May, Read 4th June, 1730. 1¾ *pp.* [*C.O.* 152, 17. *ff.* 142, 142*v.*, 143*v.*]

Nov. 19.
St. James's.

984. Order of King in Council. Confirming Act of the Leeward Islands *for granting* £600 *pr. ann. to Governor the Earl of Londonderry etc.* *Signed and endorsed as preceding.* 1¾ *pp.* [*C.O.* 152, 17. *ff.* 146, 146*v.*, 147*v.*]

[Nov. 19].

985. [Mr. Belcher to Mr. Popple]. The method of erecting townships in New England. Since the granting of the Charter of the Massachusets Bay, 1625, it has been gradually growing into towns, which originate, and proceed generally in this manner; When a town grows numerous, and the inhabitants think themselves strait'ned for land, a competent number petition the General Assembly for a suitable tract of what we call waste land, sometimes 5, sometimes 10 or 12 miles square; but 7 miles square is judg'd a good township, and a grant is commonly made to 40 families, to be settled compact, 40 acres to each family, for what is called a home lott, in the centre of the town; the other lands to be equally set out among the grantees: And it's customary for ye Governmt. to reserve to the Ministry, and a Grammar School, each a lott, for ever; and another to a first Minister, to incourage him to settle with a new town; and at ye beginning, these inhabitants have only the privilege of being a precinct under the care and direction of a Committee appointed by the General Assembly, and sometimes in seven, and sometimes in ten years, upon proper application to the Assembly, and the Committee (under whose care they are) certifying, it is reasonable, they are erected into a town, by being infranchis'd with all the liberties, rights and immunities belonging thereto *etc.* . The lands thus granted are free of all quit-rents, or other incumbrances whatsoever, being a good fee simple; and the onely expence to the Proprietors, is, that of the first survey, and the subsequent charge of the

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Committee's meeting from time to time, till they stand on their own leggs. *Endorsed*, Recd., Read 19th Nov., 1729. 2 *pp.* [*C.O.* 5, 870. *ff.* 287, 287*v.*, 288*v.*; *and* 5, 916. *pp.* 221, 222.]

Nov. 20. Whitehall. **986.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following, for their report and opinion upon this letter and what he has written to the Board, what directions are proper to be sent to Mr. Dunbar, and whether it would not be advisable that he should endeavour to prevail with those who are to make new settlements to place them at a convenient distance from one another. *Signed*, Holles Newcastle. *Endorsed*, Recd. 21st, Read 25th Nov., 1729. 1 *p.* *Enclosed*,

986. i. Copy of *No.* 932. [*C.O.* 217, 5. *ff.* 127–131*v.*, 133*v.*]

Nov. 22. Whitehall. **987.** Lord Townshend to the Council of Trade and Plantations. H.M. having been pleased to appoint Robert Johnson Esqr. to be Governor of South Carolina, draughts of his Commission and Instructions are to be prepared for H.M. approbation *etc.* *Signed*, Townshend. *Endorsed*, Recd. 22nd Nov., Read 2nd Dec., 1729. 1 *p.* [*C.O.* 5, 361. *ff.* 32, 33*v.*]

Nov. 22. New York in America. **988.** Mr. Bradley to the Duke of Newcastle. The Assembly's of this, and other neighbouring Provinces, seeming, at the same time, to aim at an independancy of the Crown; I thought it my indispensible duty *etc.* to represent these things; (and the steps they take) to H.M. Council; the Lords of Trade, and, that a matter of this importance may not fail to be speedily consider'd for H.M. service, I have presum'd to send these papers to your Grace; who, I humbly pray, will be pleas'd to recommend them to their Lordships' speedy consideration; together with the inclos'd memorial to their Lordships, by the Governour and Council; (haveing no one to sollicit them). And that your Grace will be pleas'd to lay before H.M., my Royal Master; the inclosed representation, by the Governour and Council to his Majesty, the first of them arriveing when his Majesty was abroad. *Signed*, Richd. Bradley. *Endorsed*, R. 8 Jan. 1¾ *pp.* *Without enclosures.* [*C.O.* 5, 1093. *ff.* 126, 126*v.*, 127*v.*]

Nov. 22. New York. **989.** Humble Representation of Richd. Bradley Esq. H.M. Attorney General of New York to the Council of Trade and Plantations. The Assembly have by the two last Acts relating to Oswego, Sept., 1728 and July, 1729, attempted to remit many fines and forfeitures which had become due to H.M. for offences against former acts relating to trading with the French at Canada, and appointed persons of their own nomination for the recovery of fines and forfeitures. From some of which persons several considerable forfeitures had become due to H.M. Which Acts are therefore, in my humble opinion, highly injurious to H.M. prerogative and interest *etc.* *Proposes* their repeal. The very long and considerable arrear of H.M. quit-rents is owing to that great caution, that has been formerly used, not to displease Assemblymen ; from whom, and their friends (of wch. number are all those that do but vote for their elections) the greater part of such arrears are due *etc.* If duly paid, the quit-rents would be nearly sufficient to pay the officers under the Governor *etc.* As Assemblies have so great an influence here, *questions* whether they ought to be entrusted with so much power, and " whether it wd. not be safest for H.M. interest, that their bills, before any of them are passed into laws, should be perused and certifyed (by such persons, and at such reward as H.M. shall be pleased to direct) that there is nothing contain'd in them, that's prejudicial to H.M. interest " *etc.* *Refers to* his memorial against the Oswego Act, (encl. i) *etc.* " But against the Oswego bill of July, 1729, I did not present any memorial, finding the other had no effect, and the necessity wch. the Government here is under at present of complying with Assemblys " *etc.* *Suggests* that the salaries of H.M. Officers should be fixed by Act of Parliament, " so as to defeat all intentions to starve them, (wch. some of them have been threaten'd with), and to render them entirely independant of the people, least the people should become independant of the Crown. Which God forbid " *etc.* *Set out,* N.Y. Col. Doc. V. *pp.* 899–901. *Signed,* R. Bradley. *Endorsed,* Referr'd to in D. of Newcastle's letter of 7 March, Read 2nd Sept., 1730. 2 *pp.* *Enclosed,*

989. i. Memorial by Mr. Bradley to the Governor in Council. 9th Sept., 1728. By the Act *for defraying the charges of the trading house at Oswego etc.*, Nov. 1727, the Attorney General is directed to prosecute offenders under it. The Mayor, Recorder and Aldermen of Albany have owned that they have not obeyed its directions, and have administered an oath contrary to the form prescribed by it. They have thereby forfeited each of them £400 and rendered themselves liable to be prosecuted for administering an arbitrary oath *etc.* The Attorney General has taken a great deal of pains in order to prosecuting offenders under said act, but understands that the Assembly is now preparing a bill to alter its tenor, and the ordinary method of prosecuting the offenders by H.M. Attorney General. As H.M. is already entitled to many fines and forfeitures from divers offenders against the act, and it is memorialist's right to prosecute them, hopes that consent will not be given to the bill. Memorialist has received no salary for four years, and has not been paid for prosecuting by order of the Supreme Court

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etc. forgers of bills of credit and other offenders for above five years *etc.* *Prays* that some means of paying him be found *etc.* *Signed,* R. Bradley. *Endorsed as preceding.* *Copy.* 2 *pp.*

989. ii. Case by the same hand as the annexed is [*Ed. R. Bradley*] relating to Assemblys in Plantations aiming at an independancy of the Crown. *Abstract.* Most of the previous and open steps which a dependant Province can take to render themselves independant at their pleasure, are taken by the Assembly. They have all long struggled for, and at last gained their point, vizt.; that salarys of all the officers of the Crown should be such as they are pleased to vote; sometimes raising, sometimes lowering, and at other times taking away intirely their salaries, as they happen to be in the good or bad graces of the Assembly. *Refers to* Minutes of Council and Assembly from Gov. Burnet's time. *Continues:*—As the bread of these officers depends on the Assembly, so the officers themselves must do, and there will, in a little time, be no one to oppose any steps the Assembly think fit to take, towards an independancy. They have threatened with expulsion *etc.* any of their own members that should disclose the secrets of their House. They have taken away from their Clerk his salary of £80 formerly paid him by the Crown, out of their Revenue, and voted him 12*s.* per day, and that only while they sit *etc.* Which salary no doubt will be lessened or increased, according to the good or bad liking they have to their Clerk (who has been about 30 years in that office) which must at last oblige him, as well as their members, to keep their secrets *etc.* They will then be at liberty to consult and enter into leagues with other Provinces, without discovery *etc.* In their votes of 30th July, 1728, they have resolved, "that for any act matter or thing done in General Assembly, the members thereof are accountable and answerable to the house only; and to *no other person,* or persons whatsoever" *etc.* By which they seem in express words, to claim an independancy: For none but a supream power can be exempted from rendering an account of their actions. The outragious clamours which were raised here, by them and their party agt. those gentlemen of the Council, who, by order of Council, enquired into the occasion of the assemblys resolves in their votes of 25th Nov., 1727, and the threats of those Gentlemen's being mobbed, and pulled to pieces, and even privately murdered, and their estates ruined by actions at law, may be presumed

sufficiently to deter any of the Council hereafter, to attempt any stop to the measures of the Assembly *etc.* The Assembly of late will never pass any money bill, unless some injurious bill to H.M. prerogative and interest be passed at the same time, which, as things are, must be complyed with ; or no money can be had, for the necessary support of Government *etc.* The Assembly likewise appoint a Treasurer of their own, *etc.* to receive and pay all the money they raise, and this tho' H.M. has a Receiver General here, who has signified to them that the receiving and paying of such money appurtains to his office *etc.* Some officers of the Crown have not only been threaten'd to be starved, but have been libel'd, treated with the greatest contempt, and even their persons assaulted and most grossly and shamefully abused, by such as are of the Assembly's mobb, or party, and that without any just cause and without remedy. For, by a jury, there is not the least hopes, as has been often found, where the King is concerned ; and persons in power dare not yet venture to displease these people so far, as to shew much countenance to officers of the Crown. The case being thus, Assemblyes seem already to be got beyond all check or manner of restraint whatsoever, and this at a time, too, when other neighbouring provinces and parts of H.M. Dominions seem to shew the same kind of spirit, and a strong inclination to take the earliest opportunity of setting up for themselves. Bacon's rebellion in Virginia was very troublesome, even when none of these countries were nearly so populous as now, and though it may be thought impracticable at present for any of these provinces alone to attempt any thing of that kind, yet if several of them should even at this time joyn in such a conspiracy, (and could these Assembly's openly do more, tho' they had actually so engag'd ?) it would be extreamly difficult and expensive, if not impracticable, at this distance, and in such a thicket of wood and trees, as these countrys are ; to reduce them to their duty and obedience; in regard of their populousness at present ; the skillfullness, strength and activity of the people, who are enured to hardships ; can defend themselves in woods and behind trees ; can live on roots and what the woods afford, without bread, beer, or spirits, or forrage for horses etc., and can travel in the woods without guides, or the help of roads ; few of which are yet made ; which forces that have not been so used, cant possibly do, *etc.* *Proposes* that no Assembly be allowed to transact any affair in their house without the presence of a Commissioner in behalfe of the Crown, as 'tis said is used in the General Assembly in Scotland *etc.*, and that all officers of the Crown should be rendered independant of the Crown. *Set out*, N.Y. Col. Doc. V. *pp.* 901–903. 2⅔ *pp.*

989. iii. Memorial of Attorney General of New York to the Governor in Council. Nov. 9th, 1728. Memorialist's salary was paid by the late Governor out of the quit-rents. But since Dec. 1724 he has not been able to get any salary at all, being told that H.M. quit-rents here were fully charged by the Government at home. His fees for prosecutions for five years, amounting to £900, are also in arrears *etc.* He has applied to the Courts and every branch of the Legislature here in vain. *Prays* the Governor and Council to recommend him to H.M. for the like salary as his predecessor had. *Endorsed as covering letter. Copy.* 1½ *pp.*

989. iv. Memorial of Governor and Council of New York to the Council of Trade and Plantations. 21st April, 1729. Recommend Mr. Bradley to H.M. for payment of his salary and arrears, in accordance with *preceding* petition, " we being well assured of *his* steady loyalty as well as integrity and diligence in his office " *etc. Signed,* J. Montgomerie *and* 10 Councillors. *Same endorsement.* 1 *large p.*

989. v. Journal of Assembly, 19th June, 1729. The House found that the prosecutions of the Justices of Albany *etc.* proceeded rather from a view to squeeze some more money from them, than from any just cause *etc. Endorsed,* Read 2nd Sept., 1730. *Printed.* 2 *pp.*

989. vi. The Attorney General's reply to the *preceding* " notoriously false and scandalous reflections." 10th July, 1729. *Signed,* R. Bradley. *Printed.* 3 *pp.* [*C.O.* 5, 1055. *ff.* 133–134*v.*, 136*v.*–141, 142*v.*–143*v.*, 145–148*v.*]

Nov. 22. Whitehall. **990.** Lord Townshend to the Council of Trade and Plantations. H.M. having pleased to appoint the Right Honble. George Lord Forbes, to be Governor of the Leeward Islands *etc.*, draughts of his Commission and Instructions are to be prepared *etc. Signed,* Townshend. *Endorsed,* Recd. 22nd Nov., Read 2nd Dec., 1729. 1 *p.* [*C.O.* 152, 17. *ff.* 106, 107*v.*]

Nov. 23. **991.** Petition of Lt. General William Mathew to the King. Petitioner's allowance as Lt. Governor of St. Christophers is only 10*s.* per diem, and nothing as Lt. General of the Leeward Islands. He now commands in chief during the vacancy of the Government for the third time, and his conduct hath always met with approval. He was promised by His late Majesty's Ministers, the late Earl of Stanhope and others, that he should succeed in that Governmt. on the next vacancy. The hopes and promises of that succession are the chiefe encouragements for bearing the expence of his post. His father, Sir William Mathew, dyed in less than one year after he was appointed Governor, so that his family received no reward for his services, but was rather prejudiced. *Describes his own services as Lt. Governor and Lt. General. Continues*:—As Commissioner for disposeing of H.M. lands in St. Christophers, he surveyed them all himself, and found about 2,000 acres more than were reported by the surveys taken by authority: and he sold those lands for 50 or £60,000 more than ever was offered, or expected for the same. Being an officer in the Guards at Gibraltar, he served as a voluntier Engineer and saved that important fortress from falling into the hands of the Spaniard *etc.* There is due from the late King William to petitioner about £4,000 on accot. of his father in law Col. Hill, who, being Lt. Governour of St. Christophers at the time of the Revolution kept that island in obedience to King William by paying the forces there out of his own fortune and dyed soon after without repayment or reward *etc. Prays to be* appointed Governor of the Leeward Islands or to the command of H.M. Regiment there. 2 *pp.* [*C.O.* 152, 40. *No.* 27.]

Nov. 24. London. **992.** Mr. Gould to Charles Delafay. I am informed the Governor of South Carolina was named last Saturday, and that as His Grace the Duke of Newcastle is out of town the vacant offices there will be filled up by my Lord Townshend *etc.* There are none but trifling ones vacant, not one above £50 pr. annum *etc. Reminds him* that the Duke promised a smal post for John Montgomery, "a particular friend of mine" *etc. Signed*, Nat. Gould. *Enclosed*,

992. i. List of offices (? vacant) in S. Carolina:—Chief Justice, Attorney General, Land Surveyor. *Slip.* [*C.O.* 5, 387. *Nos.* 87, 87 i.]

Nov. 25. Boston. **993.** Mr. Willard to Mr. Popple. Sends Minutes of Council of the Massachusets Bay, March, 1728—Aug. 31st, 1729, and of Assembly for session of April, May, June and August last, and five acts then passed. "The Treasurer's general accompt did not pass the Court till three or four months after the usual time, so that I must defer sending a copy till my next dispatches go Home" *etc. Signed*, Josiah Willard. *Endorsed*, Recd. 29th Jan. $17\frac{29}{30}$, Read 9th June, 1731. 1 *p.* [*C.O.* 5, 872. *ff.* 124, 125*v.*]

Nov. 25. Annapolis Royal. **994.** Governor Philipps to [? *Lord Townshend*]. *Refers to* letter of 2nd Oct. by Capt. Wellar, H.M.S. *Rose*, "with whom I took my passage to Canso" *etc. Continues*:—Where I continued till 17th Oct., when the fishery broke up, useing my best endeavours to promote the business of that place, to the best advantage of H.M. service and the generall satisfaction of the people whom I found under discontents, in the last of which I had the happiness to succeed according to my wishes as they acknowledge in their Addresses, and have given my promise to return the next season, to consult with them on farther measures for the encouragement of the Fishery, which exceeds anything of that kind in America, and for the makeing some settlements whereby the place may be furnish'd with fresh provisions for which they depend wholly at present upon New England and buy them at exorbitant prizes; the particulars of the state of that place shall be laid before your Lordship by the first opportunity. I am but just arriv'd here after a severe voyage of five weeks, where I find the last vessels we shall see this year ready to depart, so that the shortness of time affords little subject matter for your Lordship's information, only thus far I may venture to promise your Lordship, from the joyfull reception I mett with, particularly from the French inhabitants, that I shall be able by the next opportunity, to congratulate H.M. upon their entire and uncompelled submission to his Government, by takeing the oath of allegiance, which I will take care to have done in the most solemn manner, and it is my humble opinion that in order to confirm them in their obedience, and make them entirely dependent, they should hold their possessions by new grants from the King upon such conditions as shall be thought proper and the old ones to be call'd in and cancell'd, to which I pray H.M. Instructions, and whether they may be requir'd and in what manner to contribute towards the support of the Government, which I believe is what they expect, in all which I shall strictly confine myself to the orders I shall receive. *Encloses proposal of a French Minister for settling French Protestants in Nova Scotia* (*v.* Oct. 2. *No.* iii). *Continues :*—which was brought me by Major Cope, who had frequent opportunities of conversing with that person at Boston and gives him the character of an ingenious honest man. After haveing had recourse to my Instructions upon that head an answer was form'd to be sent to Mr. Le Mercier the undertaker *etc.* (*v.* encl. iii) and hope it will be found conformable thereto; and as to the rest must wait H.M. further directions thereupon, which I hope to receive from your Lordship by the first vessels in the spring. In my humble opinion it would be a great step towards the settling this Province to have once a beginning for which reason I promiss'd to recommend the eleventh Article, which proposes 5,000 acres to be granted as an encouragement amongst the Undertakers, which, if they are oblig'd to improve, I presume there will be no objection *etc.* The number of Councellers being diminish'd to five at my arrivall either by death or removal

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of their habitations, and one of them incapable of attending, I had great sattisfaction in haveing the opportunity of shewing a just regard to Major Cope's merrits by appointing him a Member of that Board, whose advice and assistance will help greatly in the settling the affairs of this Province, being a person of great honour with a very good understanding and distinguished zeale for H.M. service, there remains two more to be added to complete them to the number seven, as by the eigth Article of my Instructions. Your Lordship shall be acquainted of their names and qualifications when appointed. I have appointed the next week for receiveing the submission of the French inhabitants of this River and am assured that those of Minas and the other settlements at the head of the great Bay of Fundi are resolv'd to follow their example, but the winter being sett in, and no possibility of haveing it done till the navigation becomes practicable, will see it finish'd before I sett out for Canso, and transmitt an account thereof with the number of their families, scituation, trade, and commerce, and what else is requir'd for H.M. information. And as your Lordship cannot but see the impossibility of carrying on the service of this Government, without a vessel to attend it, am in no doubt but I shall be enabled thereto by an approbation of the purchase which I made att Canso of a small vessel for that purpose (as your Lordship was made acquainted) and an order for continueing her in the service till a communication can be open'd by land, and the affairs of the Province upon a better footing. The lateness of the season obliges me not to detain the trader by whom I send this dispatch tho' am sensible of it's incorrectness which I pray your Lordship will overlook and to honour me with your commands in the spring *etc. Signed,* R. Philipps. 6 *pp. Enclosed,*

994. i. Duplicate of Oct. 2, encl. ii.
994. ii. Duplicate of Oct. 2. encl. iii.
994. iii. Major Cope to M. Le Mercier, Minister of the French Church at Boston. Annapolis Royal. 25th Nov., 1729. I have communicated your project (*No.* ii) to the Governor, who approves of and will recommend it *etc. Quotes* his remarks upon it *etc. Signed,* Henry Cope. *Copy.* 1½ *pp.*
994. iv. Duplicate of Oct. 2, *No.* i. [*C.O.* 217, 38. *Nos.* 27, 27. i–iv.]

Nov. 25.
Annapolis Royal.

995. Governor Philipps to the Duke of Newcastle. Duplicate of preceding covering letter. *Signed,* R. Philipps. *Endorsed,* R. Feb. 20th. 6 *pp.* [*C.O.* 217, 38. *No.* 28.]

Nov. 25.
Annapolis Royal.

996. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed,* R. Philipps. *Endorsed,* Recd. 21st Feb., Read 11th May, 1730. 6 *pp. Enclosed,*

996. i–iv. Duplicates of *Nos.* 994 i–iv. [*C.O.* 217, 5. *ff.* 174–176*v.*, 177*v.*–179, 180*v.*, 181, 182*v.*–185*v.*, 186*v.*; *and* (*duplicate of covering letter*) 217, 30. *pp.* 36–39.]

Nov. 28. London. **997.** Capt. Coram to the Council of Trade and Plantations. In answer to request from the Board, sketches history of the tract of land between Nova Scotia and Maine. *Continues:*—As your Lordships were pleased to require my opinion in what part would be most proper to begin to make settlemts. on the N.E. side of the River Penobscot towards Nova Scotia, leaving the part of the S.W. side, towards N. England, to be settled hereafter *etc.*, *repeats* that, if any part of the said tract should be suffered to go under the Government of the Massachusets, it would infailably be the destruction of the whole thereof, by the provoked native Indians there, (let whosoever settle on any other part of it) they having in time past received so many injurious provokations by the base and fraudelent practices of the Massachusets in making them drunk, then entieing them to execute deeds of conveyance for large quantities of their land, when they knew not the meaning of those deeds, and other base practices which has already been the cause of long warrs, and of sheding the blood of many of H.M. subjects. And those incensed Indians will never, whilst any of their blood remain be truly reconciled to the Massachusets, or any els who shall settle on the said tract whilst they have any pretensions to it or any part thereof. But if H.M. will nevertheless have settlements began on the North East side of the River Penobscot, I humbly conceive the nearer that river and the bay befor it the better on many acctts., more especially for that, Penobscot Bay will between the river and the sea, hold a good fleet of ships comodiously, and I conceive it highly necessary that the said tract of country (which is very valuable) should be settled, planted and peopled under H.M. Government, the same having laid derelict a long time by default of the New Englanders, *etc.*, wherefore it is not improbable the French King may claime it and soon take possession thereof, with as good pretence as he did the island of Sta Lucia a few years past *etc.* It would be vastly advantageous to the French to do so, for the Penobscot is navigable for the Indian cano to within 40 miles of the River Canada at Quebec *etc.*, from whence they may easily have communication with France at all times of the year, whereas they cannot have it now by reason of the River Canada being frozen up all their long winters *etc.* *Signed*, Thomas Coram. *Endorsed*, Recd. Read 2nd Dec., 1729. *Holograph.* 2½ *pp.* [*C.O.* 5, 870. *ff.* 295–296*v.*]

Nov. 28. Whitehall. **998.** Lord Townshend to the Council of Trade and Plantations. H.M. having been pleased to appoint Jonathan Belcher Governour of the Massachusetts Bay and New Hamp-

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shire *etc.*, you are to prepare draughts of Commission and Instructions for him *etc.* *Signed*, Townshend. *Endorsed*, Recd. 29th Nov., Read 2nd Dec., 1729. 1 *p.* [*C.O.* 5, 870. *ff.* 297, 298*v.*]

Nov. 30. North Carolina. **999.** Extract of letter from Mr. Porter to Governor Burrington. Our session ended last Thursday, when Sir Richard [*Everard*] confirmed several laws, one for raising £30,000 paper currency, who has a present for so doing of £500. How this latter conduct will be approved of in England, in respect it breaks one of the Articles of his Instructions, we are at a loss to judge. I prevailed with him for near a twelvemonth last past to stop warrants and patents for land, till H.M. pleasure was known; himself having wrote the Duke of Newcastle his resolutions *etc.* (*v.* 18th June), which now he is every day breaking through by signing patents. *Copy.* ¾ *p.* [*C.O.* 5, 308. *No.* 4.]

Dec. 2. St. James's. **1000.** Order of King in Council. Whereas the Lords of the Committee of Councill, have by their report this day laid before His Majesty (upon the proceedings of the Assembly of the Massachusets Bay, in not complying with H.M. Instructions, to settle a fixed salary upon H.M. Governor of that Province) humbly represented that they apprehend the death of Mr. Burnet may have caused some alteration in the temper of that Province, and abated the animosity of the dispute *etc.*, which was become almost entirely personall, and that the Agents of the said Province had declared their readiness to transmitt to the Assembly, any proposition which the Lords Commissioners for Trade and Plantations should make towards obtaining a settled salary for H.M. Governor, and that they would, as far as was compatible with their station, enforce the success thereof, And the Lords of the Committee having considered and approved of a proposition prepared for that purpose by the said Lords Commissioners for Trade and Plantations, Their Lordships do humbly advise H.M. to transmitt the said proposition to the said Assembly, and that H.M. would suspend his just resentment against the said Province untill such time as the effect of the said proposition should be known; *etc.* *Ordered*, that the said Lords Commissioners for Trade transmit the said proposition to the Assembly, and that no proceedings be had upon the Order in Council of 22nd May, until the effect of the said proposition be known. *Signed*, Jas. Vernon. *Endorsed*, Recd. 23rd, Read 30th Oct., 1729. 1¾ *pp.* *Enclosed*,

1000. i. Copy of a Proposition referred to in preceding. *v. No.* 969 i. [*C.O.* 5, 870. *ff.* 299–301, 302*v.*]

Dec. 2. **1001.** Order of King in Council. Approving report of the Lords of the Committee of Council, upon considering the petition of the Assembly of Massachusetts Bay [Oct. 3], complaining against the proceedings of Mr. Burnet, the late Governor. An additional Instruction to the present Governor is to be prepared, prescribing the methods hereafter to be observed in the raising and issuing of moneys, and also requiring the Governors not to take or demand any fees on shipping but what are legall and have been customarily taken by the Governors of that Province *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 19th March, 17$\frac{29}{30}$. $1\frac{1}{4}$ *pp.* [*C.O.* 5, 871. *ff.* 21, 21*v.*, 22*v.*]

Dec. 2. St. James's. **1002.** Order of King in Council. Approving Additional Instructions to Lt. Governor Dummer relating to the issuing of moneys and fees on shipping. *v.* Jan. 2, 1730. *Signed*, Jas. Vernon. 1 *p.* [*C.O.* 5, 192. *f.* 429.]

Dec. 3. Whitehall. **1003.** Council of Trade and Plantations to Lord Townshend. Enclose following. *Autograph signatures.* 1 *p.* *Annexed*,

1003. i. *Same* to the King. Enclose draft of Commission for Governor Lord Forbes, as ordered 22nd Nov. Mem. in margin. Ld. Forbes not going, his commission is not entered. *v.* April 30th, 1731. [*C.O.* 153, 15. *pp.* 37, 38 ; *and* (*without enclosure*) 152, 40. *No.* 28.]

Dec. 4. Barbados. **1004.** Governor Worsley to the Duke of Newcastle. The 9th Nov. I received the Queen's Order in Council of the 18th Aug., that the law for supporting the honour and dignity of the Government is in force *etc.* ; which I laid before the Council, and Assembly, and have published the same in all the towns, and churches, nevertheless by the 14th clause of the law (*quoted*), they, who have not given in the list of their negroes, or whose negro's have been tendered to the Assembly men, but not by them returned to the Treasurer, think, they are acquitted for the same, and thus tho' it is enacted by the 1st clause, that any persons possessed of any negro *etc.* shall pay for each 2*s.* 6*d.* between 1st May and 1st June, and shall between 25th March and 12th April give in a list of their negroes to the Assembly men of their respective parishes, and the Assembly men of each parish, are to give in their own negros upon oath to the Treasurer, yet as seventeen of the Assembly men have returned no list of the negros of the inhabitants of their respective parishes, nor have given in their own, the Treasurer excuses himself in that for want of lists, he could not know what negro's each person had in those parishes, and that the law does not impower him to proceed against any, whose list of negroes has not been returned, or who has not been returned for not giving them in. *Quotes* 10th clause. *Continues* :—But as the Treasurer by the 14th clause could not proceed against any person after 1st Oct., the doubt is, whether he, and his securitys

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are liable to pay the levys, and forfeitures of those, who have not given in their lists of negro's, or paid for them, or whether H.M. Attorney General here is to sue them for it; for certainly no person can be excused his tax, on account of the neglect of the officers appointed by the law to collect it; or of the disobedience of the persons, who ought to pay it, *etc.* Since the publishing H.M. orders in Council, some few have paid their levy. *Refers to* letter of 6th Nov. *Continues:*—The new Assembly *etc.* have passed an Excise bill *etc. enclosed.* The same persons have been returned for Assembly men, *etc.* They may perhaps, give me some trouble, yet the usual supply, for the ordinary expences of the Government, for the ensueing year, are raised *etc.* *Signed,* Henry Worsley. *Endorsed,* R. 3rd Feb. 5 *pp.* *Enclosed,*

1004. i. Mr. Tunckes to Governor Worsley. Barbados, Dec. 1st, 1729. In reply to reference of letter of Board of Trade, gives his opinion on the Act *for reducing the rate of interest to* 8 *p.c.*, that the validity of contracts made upon the 10 p.c. laws will not be affected by it *etc.* *Signed,* Tho. Tunckes. *Copy.* 1½ *pp.*

1004. ii. Mr. Blenman to Governor Worsley. Nov. 26th, 1729. As the rule is to construe statutes according to the intent of the law-makers, *agrees with preceding.* *Signed,* J. Blenman. *Copy.* 1 *p.*

1004. iii. Galacius McMahon to Governor Worsley. Nov. 22, 1729. Agrees with preceding, but suggests that an explanatory act might be advisable *etc.* *Signed,* Galacius McMahon. 2 *pp.* [*C.O.* 28, 45. *ff.* 77, 77*v.* 79, 81, 81*v.*, 83–85, 86*v.*]

Dec. 4.
Whitehall.

1005. Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to order of 23rd Oct. we have reconsidered our reports *etc.* *Continue:*—Having discours'd further with Mr. Coram and Mr. Hintz, about the method of settling some Irish and Palatine families and adjusted with them the several conditions upon which the Palatines are to be encouraged to settle at or near Annapolis and Canco, and likewise consider'd upon what terms the said Irish families are to be incouraged to transplant themselves from New England to the lands between the Rivers Kennebeck and St. Croix, we take leave further to report, that by letters lately received from Col. Dunbar *etc.*, we are informed that several antient claims to tracts of land to the eastward of Pemaquid, a fort between the Rivers Kennebeck and Penobscot, have been revived; Whereupon we had recourse to your Lordships report of 17th Dec., 1720, upon a petition of William West *etc.*, and a representation made thereupon the 21st of May, 1718, relating to a settlement, which the petitioners then desired to make upon some waste and uninhabited lands between

Nova Scotia and the Province of Maine; *quoted. See* C.S.P. *under dates. Continue:*—Considering therefore that some doubts may still remain with respect to H.M. right of granting lands between the Rivers of Kennebeck and Penobscot, to avoid all difficulties till such time as H.M. title shall be cleared up to the lands between those two rivers; and being desirous that no time should be lost in making settlements in this part of Nova Scotia; we would propose to your Lordships, for the present, that Col. Dunbar should be instructed to settle such of H.M. subjects as are willing to become planters in Nova Scotia, between the Rivers of Penobscot and St. Croix, and whenever H.M. title shall be made out, as we hope it may, that they may likewise be settled by grants from the Crown, due regard being always had to such settlements, as have heretofore been actually made and cultivated under legall titles; But we must observe, that according to the best information we have hitherto been able to acquire, all the lands from Canço to the River Kennebeck were possessed by the French, before the Peace of Ryswick, and continued in their possession till reconquered during the last war by General Nicholson at the expence of the Crown, and we have some reason to believe, that all the said lands from Canço to Kennebeck were included in the Commission of Monsr. Subercasse then Governor of Nova Scotia for the French; and as soon as we shall have acquired more certain knowledge of these facts, we intend to referr the same to the consideration of H.M. Attorney and Sollicitor Generall, for their opinion, how far such antient titles, as have never been carried into actuall possession and culture may be extinguished or affected by these resolutions, and consequently whether the right be not again devolved to the Crown. But in the mean time, in obedience to your Lordships' order, we lay before you the manner which we apprehend may be most convenient for the settlements now proposed to be made, either by H.M. subjects at Penobscot, or the Palatines near Canço and Anapolis. As to these settlements, and the encouragements to be given for making of them, we are humbly of opinion, the best method to be followed is that of New England, with some small alterations. The custom in the Province of the Massachusets Bay, is when forty families or thereabouts are disposed to make a new settlement, the Government grant them a tract of land from seven to twelve miles square and this grant is called a Township. A convenient place in this land is set apart for a town, and a lot of 40 acres there granted to each family, as likewise 100 acres or more of lands without the said town to each of the said families, and the rest of the lands within the precincts of this township, are reserved for the said inhabitants and granted to them from time to time, as their numbers and occasions may require the same. But care is allways taken to set apart lands

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in the first settling of every township for the maintenance of a Minister, a Church and a Grammar School. By this means, the inhabitants acquire some sort of security against the savages, and are of mutual assistance to each other; and so soon as they are sufficiently settled, become intitled to all the priviledges of a township, of which the principal is that [? *of*] sending Members to the Assembly. If your Lordships shall approve of this method, we shall prepare Instructions for Col. Dunbar and likewise for the Governor of Nova Scotia, wherein we shall enter more particularly into the detail for the execution thereof, with respect to the quit-rents, reservations and restrictions necessary upon this occasion. Mr. Hintz is of opinion he can perswade the Palatines, as your Lordships desire he should, to settle near Canço and Annapolis, and that they will be contented to take up lands there upon the same terms and in the same manner as the Irish families shall do on the other side of the Province. But he declares it will be utterly impossible for him to make a voyage into Germany, at his own expence, and therefore humbly insists that he be allowed for himself and two other Palatines to assist him twenty shillings pr. diem for four months, which will amount to £120, which we conceive to be reasonable, and considering the importance of the service, cannot but hope his demand herein may be thought so likewise by your Lordships. [*C.O.* 218, 2. *pp.* 158–165.]

Dec. 4. Whitehall. **1006.** *Same* to the Duke of Newcastle. In reply to Nov. 20th, enclose following, prepared in answer to previous directions from the Committee of Council *etc. v. following. Autograph signatures.* 1 *p. Enclosed,*

1006. i. Copy of preceding representation. [*C.O.* 5, 4. *Nos.* 39, 39 i; *and* (*without enclosure*) 218, 2. *p.* 166.]

Dec. 8. Whitehall. **1007.** Order of Committee of Privy Council. Approving representation of 4th inst., and ordering Instructions to be prepared accordingly for the Governor of Nova Scotia and Col. Dunbar, relating to the proposed settlements at Penobscot and near Canço and Annapolis. *Signed,* Ja. Vernon. *Endorsed,* Recd. 13th, Read 16th Dec., 1729. 1 *p. Enclosed,*

1007. i. Copy of *No.* 1005. [*C.O.* 217, 5. *ff.* 134, 135–138, 139*v*.]

Dec. 8. **1008.** Thomas Lowndes to the Council of Trade and Plantations. Exact Charts of all the coasts, harbours *etc.* of H.M. American Dominions, and maps of all the inland territory might be procured with great advantage to the publick, and without any additional charge. If North Carolina which (ever since 'twas a seperate Government) has only been a receptacle for pyrates, thieves and vagabonds of all sorts, was made a district of Virginia and the quitt rents for lands

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let out duely received; there would be a competent fond, to reward a knowing and honest man, to make such a noble and usefull survey. The establishment for Officers in the Proprietors time, which the quitt-rents always discharged, amounted to £480, and if a rental was obtained (which the Proptrs. could never get) would amount to a much greater sum. The soyl of North Carolina is much better than that of Virginia, its timber is of the largest growth, there is great quantity of iron oar and (according to information) good reason to expect copper-mines, and the New England traders get from thence a very great quantity of the best pitch and tarr, in barter for rum, spirits, melosses *etc.*, which would bear a moderate duty, to make up any deficiency, that might happen to the fond proposed *etc.* and provide for a light-house on the point of Hilton-Head Island in the Gulf of Florida, where there is great plenty of noble timber *etc. etc. Signed*, Tho. Lowndes. *Endorsed*, Recd. 8th Dec., 1729, Read 13th March, 17$\frac{29}{30}$. *Holograph.* 3¾ *pp.* [*C.O.* 5, 361. *ff.* 62–63*v.*, 64*v.*]

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1009. Mr. Popple to the Governors of H.M. Islands in America. My Lords Commrs. having received H.M. Orders to make a representation upon the general state of His islands in America *etc.*, desire your particular answer to inclosed queries as soon as possibly you can. *Annexed*,

1009. i. Queries enclosed in preceding. (i) What Islands are there, under your Government, settled or unsettled, their latitudes and longitudes? (ii) have those latitudes and longitudes been settled by good observations, and from whence are the longitudes computed? (iii) What is their soil and natural produce? (iv) What are they capable of producing, if improved? (v) What is their trade, the number of shipping belonging thereto, their tonnage, and the number of seafaring men, with their respective increase or diminution, since 1724? (vi) What quantity and sorts of British manufactures do the inhabitants annually take from hence? (vii) What trade have they with any foreign Plantations, or any part of Europe besides Great Britain? How is that trade carried on: what commodities do the people under your Government send to or receive from foreign Plantations? (viii) What methods are there used to prevent illegal trade, and are the same effectual? (ix) Are there any manufactures set up in the islands under your Government, and what are they? (x) What may be the annual produce of the commodities of each respective island? (xi) What is the number of inhabitants, whites and blacks? Are they increased or decreased of late, and for what reasons? (xii) What is the number of the militia, in each respective island? (xiii). What forts and places of defence are there, within your Government, and in what condition? (xiv) What is the strength of your neighbours? (xv) What effect have the French, Spanish or other foreign settlements upon H.M. Islands under your Government? (xvi) What is the revenue arising within your Government, and how is it appropriated? (xvii) What numbers of acres of land are there already cultivated in each respective island? And what number of acres there by computation remain uncultivated? (xviii) What are the ordinary and extraordinary expences of your Government? What the present revenue, and how appropriated? (xix) What are the establishments civil and military? It is desired, that an annual return may be made to these queries, that the Board may from time to time be apprized of any alterations that may happen in the circumstances of your Government. [*C.O.* 153, 15. *pp.* 38–41; *and* 324, 11. *pp.* 11–14.]

Dec. 9. Whitehall. **1010.** Mr. Popple to Governor Worsley. I am commanded by my Lords Commissioners to remind you of my letter dated 27th March, 1724, inclosing several queries for your answer with their Lordps' desire that annual returns be made thereto, that the Board might be from time to time apprized of any alterations in the circumstances of that island under your Government, and their Lordships not having received any such answers from you since 18th Oct., 1724, you will receive herewith inclosed the like queries for your particular answers, which I am to desire you will let their Lordships have as soon as possibly you can. *Annexed,*

1010. i. Queries, as C.S.P. 27th March, 1724, with request for answers as from 18th Oct. 1724. To query iii. relating to trade with foreign Plantations, the following note is added:—In your answer dated 18th Oct. 1724, to what methods were taken to prevent illegal trade, you mentioned a sloop being appointed for that purpose to prevent goods running in small creeks; Is there any such continued, and is that illegal trade you then mentioned any better prevented than it had been? Or does it still continue? If so, what may be best done to prevent such evil practices for the future without burthening the revenue of ye Customs, with too great an expence? And how stand the generality of the people of Barbados inclined to promote or discourage a smugling trade with Martinico or any other foreign Plantations? [*C.O.* 29, 15. *pp.* 118–121.]

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1011. Mr. Popple to the Governors on the Continent of America (including the Governor and Company of Connecticut and Rhode Island). Circular letter enclosing following queries from the Board of Trade. (i) What is the situation of the Province [Colony] under your Government, the nature of the country, soil and climate, the latitudes and longitudes of the most considerable places in it, or the neighbouring French or Spanish settlements? Have those latitudes and longitudes been settled by good observations, or only by common computations, and from whence are the longitudes computed? (ii) What are the reputed boundaries, and are any parts thereof disputed, what parts, and by whom? (iii) What is the constitution of the Government? (iv) What is the trade of the Province (Colony), the number of shipping, their tonnage, and the number of seafaring men, with the respective increase or diminution, within ten years past? (v) What quantity and sorts of British manufactures do the inhabitants annually take from hence? (vi) What trade has the Province (Colony) with any foreign Plantation, or any part of Europe, besides Great Britain? How is that trade carry'd on? What commodities do the people send to, or receive from foreign Plantations? (vii) What methods are there used to prevent illegal trade, are the same effectual? (viii) What is the natural produce of the country, staple commodities and manufactures [for Virginia and Maryland, add *besides tobacco*]? and what value thereof in sterling money may you annually export? (ix) What mines are there? (x–xiii) *Queries as Nos.* xi–xiii in 1009 i. (xiv) What number of Indians have you, and how are they inclin'd? (xv) What is the strength of the neighbouring Indians? (xvi) What is the strength of your neighbouring Europeans, French or Spaniards? xvii–xx, *as* xv–xix in 1009 i. [*C.O.* 324, 11. *pp.* 152–156; *and* 5, 916. *p.* 223.]

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Whitehall.

1012. Council of Trade and Plantations to the Duke of Newcastle. In reply to Nov. 12th, enclose following. *Annexed,*

1012. i. *Same* to the King. *Recommend* confirmation of three Acts of Jamaica as being of great utility to the public, as they encourage the settlements now going forward at Port Antonio; vizt. (i) An Act *to encourage the N.E. part of this island,* passed in 1721, "which came not to us till lately." (ii) An explanatory Act *for the further encouraging the settling the parish of Portland,* passed in 1726, and (iii) *for the better carrying on the new settlements at Port Antonio.* [*C.O.* 138, 17. *pp.* 284–286.]

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1013. *Same* to the Lords of the Committee of the Privy Council. *Conclude:*—We do not apprehend any further encouragements are at present expected by the people of

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Jamaica for compleating the settlement at Port Antonio, except the confirmation of *above* Acts *etc. as preceding.* [*C.O.* 138, 17. *pp.* 286, 287].

Dec. 9. Whitehall. **1014.** *Same* to Lord Townshend. Enclose following to be laid before the King.

1014. i. *Same* to the King. Enclose following Commission which is in the usual form *etc.*

1014. ii. Draft of H.M. Commission to Robert Johnson to be Governor of S. Carolina. [*C.O.* 5, 400. *pp.* 243–269].

Dec. 9. Whitehall. **1015.** Lord Townshend to the Governor of South Carolina. Upon complaint of the creditors and executors of Albert Muller a native of Norway, who died about two years ago at Charlestown, setting forth the difficulties they meet with in recovering his estate *etc.*, it is H.M. pleasure that you see that justice is done and return an account of your proceedings therein *etc. Signed,* Townshend. *Annexed,*

1015. i. Memorial referred to in preceding. *Copy. French.* [*C.O.* 324, 36. *pp.* 164–168].

[Dec. 9.] **1016.** Petition of Merchants and masters of ships of London, Bristol, Dartmouth and Whitehaven trading to Newfoundland, with the most ancient inhabitants and masters of fishing voyages at Placentia, to the Council of Trade and Plantations. Upon some complaints from Barnstable, Col. Gledhill is arrived with great numbers of evidence to answer said complaints. *Pray for speedy hearing. Signed,* William Crosse *and* 15 *others. Endorsed,* Recd. 9th, Read 11th Dec., 1729. 1 *p.* [*C.O.* 194, 8. *ff.* 234, 235*v.*]

[Dec. 10]. **1017.** Petition of Col. Gledhill to the Council of Trade and Plantations. In response to a letter from the Secretary at War, received only on 1st Sept., petitioner has arrived with several witnesses from Placentia to answer the false charges against him. The Board's two reports mention his having neglected to answer former complaints against him. He never received any complaints from the Board, save of one Salmon, which he answered by the first ship *etc. Prays the* Board to appoint a short day for hearing his case *etc. Signed,* Saml. Gledhill. *Endorsed,* Recd. 10th, Read 11th Dec., 1729. 2 *pp.* [*C.O.* 194, 8. *ff.* 236, 237*v.*]

Dec. 10. Boston. **1018.** Col. Dunbar to Mr. Popple. *Abstract.* Has been through N. Hampshire and Maine. The publishing the new Act of Parliament has had a good effect upon the loggers, who applied to him in numbers to know whether they might cut trees of any dimensions, because there is a penalty for all trees of 12in. diameter and under, which includes all. As he conceived it was not so intended, has indulged them by enclosed Proclamation, which was approved of by the Governors *etc. Asks whether* he may continue it from year to year. *Continues :* Notwithstanding this, there is yet a sett of people here who neither regard Acts of Parliament, or any prosecution upon them, the famous incendiary Dr. Cook proclaims in the Province of Main that the King has no right there, he has built saw-mills in the heart of ye mast-trees, one of which will saw 8,000 feet of boards in 24 hours, he says they are upon his private property, and should a tryal be commenced against him, the people he imploys would be his Jury, however I am resolved to see what they will do in that case. The Agent for the contractor for masts etc., for the Royal Navy has also lately built 4 saw mills but pretends they are upon his private property wch. was a new acquisition on purpose under his lycence for cutting trees *etc. Has given* a full account to the Admiralty. *Continues :* I have been in several parts of the new Province of Georgia and have began to settle the people who last year petitioned his Majtie. from hence for leave to settle to ye eastward of Kennebeck River, most part of that country is claimed by people of this Province under old grants from the Council of Plymouth in 1629 and Indian deeds of later dates, some for 30 miles square and for ye consideration of a few skins. I told all these claimants that it was judged in England that the property to all those lands, wch. are included in Nova Scotia, was intirely in the Crowne, and that H.M. being now desireous to have them settled, improved, and made usefull to England would give them to such of his good subjects as would goe upon the immediate settlemt. therof, reserveing onely one penny sterl. pr. acre quit-rent, many seemed thankfully willing to accept the King's favour, but Dr. Cook and others of his turbulent kidney refused to pay any the least acknowledgment to his Majesty *etc. Refers to* former letter and the answer he gave them, " that until I should receive further instructions I would not concern myself with any lands thus claimed, and since there are so many of them that if they are allowed, the King will have no more there than here, and the country as hitherto may lye forever a wilderness. I made choice to plant the people I carried wth. me at Pemaquid about 7 leagues to the eastward of Kennebeck River, there was formerly a stone fort at that place but destroyed by the French before the peace of Reswick. I raisd a dry stone wall upon the old foundation, and built barracks wth. inside for 200 people, as soon as that was done I hoisted the Union Flag under a discharge of a few ship guns and 3 vollies of small armes, and with all the people drank to his Majesty's health, the entrance into this harbour is easy and open and very safe anchoridge within, it was formerly much frequented by fishing vessels, but since ye demolition of the fort, they have not gone there fearing the Indians, whenever it is rebuilt, it will be of great advantage to the shipping who trade hither, and instead of being blown from off this coast in winters, as often happen, they can put in there and lye safe until a favourable opportunity to put to sea again, when in a little more than one day they may reach Boston; the land contiguous to it is good but covered with small spruce, some oak and birch, the people are this winter imployed in clearing the land for gardens, pasture and corn. I have ordered a few acres to be prepared for hemp, wch. I intend to putt into the ground in Aprill if the seed I now write for arrives in time; there is very little of that usefull commodity raised in this country to ye eternal shame of the inhabitants, who are the worst at improvements of any people in ye world, even their bread corn comes from other provinces, and the pitch and tarr, wch. they export, is first imported from the 2 Carolinas. I did intend to have honour'd the first settlemt. with the name of St. Georges, but there being a fine river by that name 10 leagues to ye eastwd. of Pemaquid, I have called it Fredericksburg. I am afraid it may be thought I have been too forward, and have gone beyond my power; here I found such a spirit and earnest desire in many people to make the settlement, that to have delayd it would have baulked it, this I humbly hope will plead my excuse. Within this new Province are many forests of large white pine trees, so that the Royal Navy can never want a supply, but even the lands wherein they stand are claimed with all trees, woods, and a hundred et cœtera's, as I have seen in long lawyers' deeds, if such are allowed H.M. has done there, it may lye wast for ever, but if one common answer is given to all, and that the sole property is in the Crowne, I dare answer that the Provinee of Georgia will soon recommend itselfe to the Royal favour, and rival its neighbours, in ye spring a great many hundred familys of substance, and the best of the fishermen of this country will go thither if not countermanded, the scituation was designed by nature for the fish trade, ye fish being now taken in great abundance near ye shore, and made and cured in better time, is preferable at market to fish brought farther to the shore *etc.* *Is concerned* to hear that Mr. Hintz had not set out in October for Germany to conduct the Palatines. *Hopes they* will arrive before he meets the Indian tribes in the summer, not that numbers of people will be wanting, but he thinks they will be very useful. *Has written* to the Duke of Newcastle about Pemaquid, and the disregard of the Massachusetts Bay to the royal letters and instructions on that head. *Continues:* So far are they from shame or remorse on that account, that they have even now printed an abstract of all their proceedings upon that subject, and their obstinate withstanding fixing the Governour's sallary (*enclosed*) *etc.*; it has so harden'd them

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that they are now firmly of opinion that if the Legislature at home could have touched their Charter, so many letters would not have been sent from Court. *Refers to* Mr. Dummer's letters to him and his answers, sent to the Duke of Newcastle. A ship sailing sooner than he expected he cannot send copies *etc. Hopes* the Board will think a few small arms, artillery and ammunition necessary for this new settlement *etc.* P.S. I am informed there has been a meeting of several of the claimants in Georgia and money raised by subscription to imploy Agents in England to sollicit a confirmation of their claims, some of them are for whole islands, 10 or 15 miles in length, where chiefly are the forests of masts ; in short all the lands that are vallueable are claimed by one or another, and now there is an appearance of making settlements, those people would hinder them, who from the beginning never made any themselves. *Signed*, David Dunbar. *Endorsed*, Recd. 30th Jan., Read 6th May, 17$\frac{29}{30}$. 8$\frac{1}{2}$ *pp. Enclosed*,

1018. i. Proclamation granting permission for felling white pine trees not exceeding 24in. in diameter, or trees promising to grow to masts, *etc.*, after notice given, until a survey can be made *etc.* Boston, Dec. 2, 1729. *Signed*, David Dunbar. *Endorsed*, Recd. 30th Jan. 17$\frac{29}{30}$. *Printed.* 1 *p.*

1018. ii. A Collection of the proceedings of the Great and General Court, or Assembly, of His Majesty's Province of the Massachusetts Bay, in New England. Proceedings and Instructions relating to the Governor's salary 1691–1729. Printed by order of the House of Representatives. Boston: Printed by T. Fleet, in Pudding Lane, 1729. *Endorsed as preceding.* 112 *pp.* [*C.O.* 5, 871. *ff.* 23–84*v.*, 85*v.* ; *and* (*enclosure* ii *only*) 5, 752. *No.* 46.]

Dec. 10.
Boston,
New
England.

1019. Col. Dunbar to the Duke of Newcastle. Since I had the honour of writeing last to your Grace, I have been as far as Pemaquid in the new intended Province of Georgia, haveing landed there ye 20th Oct., with about 100 men of those who last year sent home a petition to H.M. for leave to settle to the eastward of Kennebeck River. We made hutts of spruce trees for our lodging *etc.* I imployed the men with me to raise a dry stone wall upon the old foundation [*of the fort at Pemaquid*] *etc.*, and in building barracks within. As soon as the walls were finished, I hoisted the Union Flag under a discharge of 7 small ship guns wch. I carried with me and 3 vollies of small armes, and we all drank to H.M. health. I called in at Piscatua in N. Hampshire, and at Winter Harbour and Casco Bay in Main in my voyage, at the latter I went on board the New Hampshire mast ship then ready to sail to England for the use of the Royal Navy. So soon as I raised the walls of the old Fort and hoisted the King's colours I called ye place Fredericksburg. I would have called it St. Georges, but that there is a large navigable river already of that name 10 leagues farther east. Pemaquid has a fine harbour *etc.* *Refers to* its former history. *cf.* C.S.P. 1697, 1702, 1705 *etc.* *Continues :*— It has frequently been recommended to the Assembly of the Massachusetts Bay, to rebuild it without any regard had thereunto, as may fully appear from a book wch. I herewith take the liberty to transmit, the design of printing this book at this time is expressed in the first page, and appears to me to be to keep the same spirit in this people who, do not, for the most part, stand in need of such help; it may be worth perusal tho' hardly to be read with any temper; there are 100 instances of refuseing the recommendation of the Crown to fix a sallary in the Governours. I was followed to Fredericksburg by two other vessels full of people, and every day ye sight of the King's colours brought in fishing scooners and boats, crossing the bay, to see wt. was the occasion of it, their joy was very great, many of them haveing formerly known the conveniency of shelter there, it being near the fishing places, and has not for many years been frequented for fear of the Indians. I had visits from many of them at different times, and on the 12th of Nov. about 25 of them came in a body with the chiefs of the tribes of Penobscot and Narigwack at their head, they sent to acquaint me that they desired to see me *etc.*, I received them with much civility. I told them I was come from the King of England to renew settlemts. there wch. were began 100 years ago. They told me King George was welcome and I was welcome. One of their old men asked me how little King William did, and explained himself, by saying King George's little son, when I told he was very well, he sayd they were glad of it, for they had heard from Canada that King George gave their country to his little son, I sayd H.M. might do so, but it was not declared when I left England; they seemed extreamly well pleased to have settlements near them, where they may be supplyed with blankets and provision in exchange for their furrs, wch. they often carry to Canada above 200 miles by land. When I entertained them all together (for there's no distinction but in War and Council between the King and any other) some were merry, and one of the Segamores (which is noble among them) sayd that the land about Pemaquid was his and he would sell it to me for what I pleased to give him. I told him I did not come there to buy land, nobody had a right to sell any for it all belonged to the King, my Master, and had for many years, the man seemed satisfyed, laughed and sayd, then King George was welcome, he freely gave it to him, and would lay no other claim to it, but to desire he might have the liberty of coming thither as his occasions should require. I sayd, he and all of them should be free at all times

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to come and goe where they pleased without interruption. Wynongonet (wch. is the name of ye King of the Penobscot tribe, a well looking man, more like a French man than an Indian) seeming grave and reserved, I asked ye reason of it, he answered that it was in great respect to me that he was so, and when he was better acquainted, he would be as merry as I pleased, they stayed a week with me in ye day time, but retired every evening to their camp or wigwams made with boughs of trees, covered with birch-bark, at a smal distance from the Fort, I allways gave them provision with them; When they came to take leave, Wynongonet told me they had dispatched 2 months before a messenger to the French Governour at Quebeck to know his opinion of an English settlement among them, they believed he would be against it, and would, by the Jesuits, stir up the Canada Indians against it, but as for himself and the Indians on the sea coast, they desired to live in peace, and would do so and keep friendship with the English as long as they were well used, they never made warr but to resent an affront or revenge ill treatment, they sayd yt. Governour Dummer was a good man but he had not power like the Governour of Canada to performe what he promised. All they desired of me was to suffer them to follow their hunting and fishing without molestation, and to keep truck houses where they might trade with their furrs without being cheated, and they hoped I would give them some few presents and commissions as the Govr. of Canada does, and New York to their neighbouring Indians. I promised them ye libertyes they desired and that nobody should be suffered to abuse or wrong any of them, I then gave a few laced hats, blankets, pipes, tobacco and a little powder and small shot for their hunting. We parted in very good termes, they were very thankfull and desired they might meet me in their tribes in May or June next, to come to an understanding with each other. They are poor miserable people in comparison to others, haveing no settled habitations, and even their food uncertain, their dress is frightfull, and upon extraordinary occasions they make themselves hideous with red paint, they clean their hands in their hair and make large holes thro' their ears in which they putt scutts of hares, long feathers and long tobacco pipes. All the expense I was at by them was within £37 sterl., wch. I do not mention with design to ask it, a small matter so bestowed may keep allways quiet, and so prevent a larger expence and much trouble. Dureing my stay in Georgia I went up 3 of the great rivers, wch. are navigable for large ships, 25 miles into the country, they are wide and deep but in most places rocky shores, the names of them are Johns river, Damarescotty river, and Shepscot River, they all lye between Kennebeck and Fredericksburg, wch. is not above 7 leagues in all, so that they must be very near one another, the land is neither mountainous nor level, but in easy hills, where a plough may goe; all is covered with trees mostly spruce, but there are good white pines and large oaks, nobody that had the care of the woods on this Continent ever was in these parts before me, and 'tis pitty, for the people from this Province have made it a practice many years to send thither to make cannoos and shingles of the largest mast trees, and staves of oak fit for ship building, leaveing the crooked parts to rott on the ground; as those rivers with others are wide and long it will be difficult to prevent this practice, my best endeavours shall not be wanting, but really it will be impossible without a small sloop and 6 men to attend me; I burnt in one of the rivers above 60 cannoos made this last summer out of trees fitt for large masts, and a parcel of shingles. I just in time prevented a tree of 39 inches, with ye bark, in diameter, and a proportionable length, from being cutt by a shingle maker, and have left two deputations in those parts to guard ye woods this winter; I have accounts of fine forests of masts in that province, on ye east side up Kennebeck river, besides many wch. I saw myself, so that H.M. Royal Navy can never be in danger of wanting masts, yards and bowspritts, tho' in my humble opinion, as all the land, at least 100,000 acres best wooded and nearest navigable water, are to be reserved as a nursery for the Royal Navy in this new Province, the masts there should be preserved until new Hampshire and Province of Main are exhausted, which wth. care may yet supply England for several years, altho' vast destruction has been made among the woods, where many saw-mills are erected to cutt them into planks and boards *etc.* In spite of his remonstrances, Mr. Waldoe, the Agent for the contractor with the Navy Office, insists upon his right to use sawmills which he says he has built upon his private property *etc.* *Continues:* So many claims and titles to lands in Georgia were made to me, that if they are allowed, H.M. has none there. I have seen some pretended Indian deeds of different dates wherein 30 miles square were sold for 50 skins, and even several deeds to different people for the very same tracts of land, and many of the Indians say that the people pretending to sell those lands had no claim or right to them. Most of these claimants are willing and thankfull to take new titles or grants from H.M. as proposed at one penny sterl. quit rent pr. acre, and would go upon the immediate settlemt. and improvement of the lands, but they desire 3, 4, 500 and some a thousand acres according to their familys and abilitys, wch. is more than was proposed by the Lords Commissioners for Trade to be in one grant, the spirit to make this new settlement is now so strong in these parts that if it be not baulked, a more considerable progress will be made in 3 or 4 years, than ever was in any Collony in 40 years, and I flatter myselfe be more usefull to England then some of its neighbouring plantations, and will produce grain as in England. I have opened some acres in which I intend to put hemp seed in Aprill next if the seed arrives in time wch. I now send for, and I shall hope to send some of the produce next year to the Navy for a sample and tryal. If the Pallatines come soon after, they are skill'd in dressing it, and are good husbandmen and artificers. As it was proposed to make this settlement without expence to H.M., everything in my power shall not be wanting, but if it be thought expedient at home that the fortifications should be rebuilt, and that a few pioneers tools be sent me from the Ordnance Office and any summ of money payd as the Lords Commissioners shall appoint, I will husband it to ye best advantage *etc.* The guns which were at Pemaquid when taken by the French were carried to St. Johns in ye bay of Fundy, afterwards to Annapolis, where I am credibly informed, 24 of them lay last year in the earth, useless ; at this town of Boston are a great number of cannon, some of them well mounted in a fort, entring this harbour, but close to the towne are 34 large iron guns about 30 to 34 cwt. mostly buried in rubbish and useless, tho' they are called ye North and South batterys. *Suggests* that these and a few smaller from home be sent *etc.* In expectation of their being so ordered, has ordered a great quantity of lime to be burnt from a vast ridge of oyster shells near the place and will have oak plank ready for the carriages. *Continues :* This new country being in ye state as nature left it, wild and unimproved, it will be some time before corn and provisions will be plenty, there are many able labouring men that will want bread until then if not supplyed by some means, it has been proposed to me yt. if they could be supported they would repay the expence in hemp the 3rd, 4th and 5th year. What I most covet at present is a few small armes and ammunition. I wish I could have some before I meet the Indians in May next, yt ye people may appear in armes, there are none to be bought here, so that I have not been able to leave above 80 guns or firelocks among all ye men *etc.* *Continues :* The Indians all along this Continent haveing Jesuit Missionarys among them are much influenced by the French Governour at Quebeck. *Suggests* that a letter be asked for from the French Court to command him not to stirr up the Indians against the English *etc.* *Continues :* Since my return to Boston Mr. Dummer has seemed highly dissatisfyed that I have been to make any foundation for a settlement in Georgia, saying that all the lands as far as Nova Scotia is under the Governmt. of this province, he asked me if I had any comn. or authority for what I did there, I answered that in a few days he shd. be satisfyed in that point, hopeing I might have received further orders from home, and not careing to shew him the report of the Lords Commissrs. for Trade, 14th May last, if it had been known that I had not an absolute Commission

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it would have spoiled ye undertakeing *etc.* *Refers to enclosures. Continues:* The behaviour of many of the people here has often ruffled me, some do publiquely say H.M. has no right to the woods here, others have asked me what right the King had to any lands here, and how he came by such right, some have claimed by Indian titles so late as dated in 1719, and in their deeds they have warrantees to defend the possession against all persons whatsoever; the people of this Province now sitting here in Council and Assembly are upon laying out a line of towns before they have a new Governour, the upper and lower Houses do not aggree, ye former wth. the late Governour haveing nominated [*an*] Attorney General, the latter lately upon ye annual day of election insisted to have a right of nomination, wch. the upper refuseing it was moved in the House of Representatives by the famous Dr. Cook, that there should be an order of the House to the Grand jurys to regard any indictment or presentment of the Attorney General onely as wast paper; they are upon some methods how to raise ye vallue of their bills of credit, wch. are now so low as 20 sh. pr. ounce for silver there is about £300,000 of these bills from this province, they were at parr at first, and some people who then lent out money to interest, if they were now repd. principal and interest, would not get back one half of the vallue of what they lent at first. It is wonderfull to see how little this province has been improved, and chiefly occasioned by two great tracts of land in few hands, some having several hundred thousand acres, and tho' improved land sells very dear, the whole that is layd out into townships does not yeild 3 pence pr. acre one with another. I have been thinking that if ye Charter here be declared voyd or forfeited by Parliament, and in the new form of Governmt. all new stragling towns excluded from sending Representatives, their number wd. be diminished to one third, and these for the principal towns might be men of some substance, whereas at present to see such as are sent from the new towns looks like mockery, if then a smal tax of one penny sterl. was proposed to be raised upon all lands layd out into townships and granted to private people pr. acre, to pay off the debt and cancel their bills of credit, many would relinquish their remote grants not yet improved (wch. would thereupon fall to H.M.) and remove nearer the seashore, so that the settlements would be more compact and ye lands much better improved. I dare say some millions of acres would be disclaimed rather than pay this trifle especially for lands remote. The Province of Maine, wch. is annexed to the Masachusets, is devided from it by ye Province of New Hampshire, wch. is a distinct Governmt. and a very small one, it would certainly be more for the ease of the people either that Maine and Hampshire were annexed, or New Hampshire to the Masachusets and Main to Georgia, to wch. it now joyns, onely Kennebeck

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river between them *etc.* *Signed,* David Dunbar. *Endorsed,* R. Feb. 3rd. 18 *pp.* *Enclosed,*

1019. i. Duplicates of *Nos.* 1042 i–iv. [*C.O.* 5, 898. *Nos.* 62, 62 i–iv].

Dec. 11. St. James's. **1020.** Order of King in Council. Referring to a Committee of the Council the Representation upon the Acts of Jamaica relating to Port Antonio *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 30th May, Read 4th June, 1730. 1¼ *pp.* [*C.O.* 137, 18. *ff.* 74, 74*v.*, 75*v.*]

Dec. 11. St. James's. **1021.** Order of King in Council. Approving draught of Commission "for George Forbes commonly called Lord Forbes" to be Governor of the Leeward Islands *etc.* *Signed and endorsed as preceding.* 1 *p.* [*C.O.* 152, 17. *ff.* 138, 139*v.*]

Dec. 11. Whitehall. **1022.** Council of Trade and Plantations to Lord Townshend. Enclose following to be laid before H.M. *Annexed,*

1022. i. *Same* to the King. Enclose following as ordered Nov. 28.

1022. ii. Draught of Commission for Jonathan Belcher to be Governor of the Massachusets Bay, "in the same form as that granted to Mr. Burnet."

1022. iii. Commission for same to be Governor of New Hampshire. [*C.O.* 5, 916. *pp.* 224–260].

Dec. 11. St. James's. **1023.** Order of King in Council. Approving draught of Commission for Governor Johnson *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 30th May, Read 4th June, 1730. 1 *p.* [*C.O.* 5, 361. *ff.* 107, 108*v.*; *and* 5, 192. *f.* 47].

Dec. 11. St. James's. **1024.** Order of King in Council. Approving draughts of Commissions for Governor Belcher, *Nos.* 1022 ii, iii. *Signed,* Ja. Vernon. *Endorsed,* Recd. 30th May, Read 4th June, 1730. 1¼ *pp.* [*C.O.* 5, 192. *f.* 249; *and* 5, 871. *ff.* 112, 113*v.*]

Dec. 11. St. James's. **1025.** Order of King in Council. Repealing 10 acts of New York relating to the Indian trade, 1720–1729. On hearing the petition of the merchants concerned and the Agent of New York, the Committee have reported that the fur trade appears to be highly affected by the said act, and that the clauses relating to the execution of them are greivous and oppressive *etc.* *Cf.* A.P.C. III. *No.* 165. *No signature.* *Endorsed,* Recd. 30th May, Read 4th June, 1730. 5½ *pp.* [*C.O.* 5, 1055. *ff.* 125–127*v.*, 128*v.*]

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Dec. 13.
St. James's.

1026. H.M. Warrant for appointing George, Lord Forbes Governor of the Leeward Islands and revoking the Commission of the Earl of Londonderry. *Countersigned*, Townshend. [*C.O.* 5, 192. *pp.* 25–40.]

Dec. 13.
St. James's.

1027. H.M. Warrant appointing Robert Johnson Governor of S. Carolina, and revoking the Commission of Francis Nicholson decd. *Countersigned*, Townshend. [*C.O.* 5, 192. *ff.* 48–62].

Dec .15.
Whitehall.

1028. Mr. Popple to Mr. Burchet. My Lords Commissioners having been informed that Capt. Davers had transmitted to the Lords Commrs. of the Admiralty some account of the present state of Sta. Lucia and St. Vincents, particularly in relation to the proceedings of the French there *etc.*, *requests a copy*. [*C.O.* 29, 15. *p.* 121.]

Dec. 16.
Whitehall.

1029. Mr. Popple to Mr. Scrope, Secretary to the Treasury. *Desires* copy of surrender of the Lords Proprietors of Carolina to the Crown, and of all such papers as may be necessary to be perused for forming Instructions for Governor Johnson *etc.* [*C.O.* 5, 400. *p.* 270.]

Dec. 16.
St. James's.

1030. H.M. Warrant appointing Jonathan Belcher Governor of New Hampshire and revoking the commission of William Burnet. *Countersigned*, Townshend. [*C.O.* 5, 192. *ff.* 251–264.]

Dec. 16.
St. James's.

1031. H.M. Warrant appointing Jonathan Belcher Governor of the Massachusetts Bay, and revoking the commission of William Burnet. *Countersigned*, Townshend. [*C.O.* 5, 192. *ff.* 345–359.]

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1032. [? *Duke of Montagu to the ? Duke of Newcastle*]. In answer to request of 5th currt. sends following report upon "the state and trade of the French Islands, especially that part of Espaniola belonging to France." Though we were the first settlers of the Caribian Islands, we left the best for the French, both as to harbours, rivers and extent *etc.* Their fortifications are more regular and better kept in order than in any of our islands. They have 14 or 16 companies of the King's in their islands much better taken care of than ours, the K. sending constant supply of provisions and cloaths from France. They have besides the officers of these companies several old old officers of the King's who act as Lieutenants to the General, posted about the island *etc.* Now, since the sending the General and Intendant prisoners to France, they have a guard of Swiss in Fort Royal. Their islands in general being mountainous especially Martinique makes it naturally very strong and with its numerous inhabitants impregnable, as must have been the opinion of M. de Philipeaux, who was much too great a man for an American General. *Tells story of* his banishment to Martinique for speaking disrespectfully of the Duke of Savoy, and how, as Governor he began to prepare for a revolution there and to set up a free state of Martinique after the Venetian model, " only no changing the Doge." Papers relating to this scheme were found upon a protégé of his who died in Paris, after the death of M. de Philipeaux. The latter had been attended for a fit of the gout by a phisician newly arrived from France and recommended to his protection, who gave him something to ease his pain, which did it effectually, and then disappeared. *Continues* :—Before I heard this story I was told that the General and Intendant (who was sent home by the people at Martinique to France) had orders to discourage as much as possible the settling any more plantations at Martinique, and to exert the laws against trading with foreigners with severity etc., because the Court resolved to encourage Espaniola more than these Windward Islands, but after I learned the above affair I was of opinion that the Court was jealous of the strength of that Colony *etc. Describes in detail the arrest* of the General and Intendant, 8,000 men having been got together secretly under arms, determined to defend themselves from oppression, and acting with perfect discipline *etc.* They can at present command about 15,000 white men for defence, and as many good negroes. *Continues* :—As to its trade it is encreased prodigiously both as to the export of its produce to France which consists of sugars, muscovado and clayed, also cotton, and in a little time expect to send home cocoa again, when their young trees are grown up, as also coffee, having in many plantations several thousand trees which will prove more profitable than cocoa *etc.* I believe now every year there is more than 200 sail of good ships sent loaden to France. Next is it's trade here in America by it's great number of sloops, which does not amount to much less than 150 and ten men one with the other makes 1,500 seamen. What encourages this navigation is, that their port charges is not excessive as ours are, but very easie or little or nothing taken, a pass port for six months, many of these sloops are coasters about Martinique, *etc.* Those that go further off carry many men and rich cargoes and goes all over the Spanish American coast to their own great island of Espaniola, and by stealth to the English islands, some have been lately to Brasil *etc.*, some to Canada and Cape Briton, some by virtue of the English registers they buy with the sloops and Irishmen goes to our Northern Colonies, especially to Boston, where they send their molasses and rum in our vessells on freight and build vessels for their own trade, which should be taken notice of, and which the French Governments countenance, because the trade of France is not prejudiced by selling the rum and

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molasses to the English, some goes to the Cape Verd Islands, and some of them now and then steals a voyage to the coast of Guinea, several to Cadiz and the Canaries, now they have the liberty, on securing the K. his dutys as if they went to France. And tho' their K.'s orders are as strict against all forreign trade, yet their great Officers on several occasions have a discretionary power to dispence with that severity when for the subjects' good, especially as to such things as does not hurt the navigation and trade of France vizt., horses, mules, slaves etc., sometimes provissions when wanted, payments in rum and molasses of no service to France, nor the ships from France, further all Spanish vessels are welcome into any of their ports because it is well known they bring no goods to sell that can hurt the manufactorys of France, nothing but money or some American produce which is an advantage in buying the French goods etc. Another great matter that advantages their trade is their excellent maritime laws that no nation in the world can boast of the like, these keep their seafareing people under better orders than ours both masters and men, which if misbehave on a voyage to the prejudice of the merchant are certainly punished on a complaint made to the Intendant or Commissary of Marines, without the charges of an Admiralty Court, as with us. I wish we would imitate the French in what is solidly good, especially in these maritime laws, as well as in little apish tricks, and buffoonery. I had almost forgotten to take notice of the advantage the French have over us in the sugar trade from their Islands directly from Spain and the Canarys, tho' their laws doe oblige their subjects the same as ours to go directly to France with all their produce of their own Colonies, in order to secure the K.'s dutys, yet on a representation made relating to the trade with Spain for sugars, cocoa etc. the K. has been so indulgent as freely to permit sugars etc. to be carried directly from his West India Islands on securing him his dutys the same as if the ship had arrived in France. That is a vast advantage more than the English have, who must carry the sugars etc. to Great Britain there pay one freight and many other charges, then another freight from thence to Spain besides other charges and a double risque, so that no man can dispute but that the French at this prudent management will soon destroy our sugar trade *etc. Describes* Guadeloupe, Grand Terre, Saintes, Dominica, Granada, Cayan, and Hispaniola, giving history of the latter and details of French settlements there. Guadeloupe "has its own Government, a K.'s Lieut. or two, about 4 companies of foot, and can make about 1,500 men with as many fine negroes, and half a dozen sloops" *etc. Points out* the danger threatening British Sugar Islands from a combined movement by French troops from Hispaniola and Martinique. The only ways of preventing the rest of the former Island from falling into French hands are for the Spaniards to strengthen their garrison there or to give it up to Great Britain, in which case it must be promptly and strongly fortified, settled and garrisoned. Most of the Spanish part is very fine rich land. We should then not only be out of any great fear of the French, but soon be able to deal with them in the sugar trade in any part of Europe, and the indigo too. The Spanish part is always counted very healthy *etc.* Europeans of all Nations not being Papists should be encouraged, there is also mines in it of gold and copper as good as any in the world. *Endorsed*, Sta. Lucia. D. Montagu. R. Aug. 16, 1730. 28½ *pp.* [*C.O.* 152, 43. *ff.* 116–130.]

Dec. 16. Whitehall. **1033.** Mr. Sharpe to Mr. Popple. Requests the Council of Trade to attend the Committee of Council at the Council Chamber in the Cockpit on the 18th at 6 p.m. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 17th, Read 18th Dec., 1729. 1 *p.* [*C.O.* 388, 29. V 8.]

Dec. 18. Admty. Office. **1034.** Mr. Burchett to Mr. Popple. Encloses following extracts in reply to letter of 15th inst. *Signed*, J. Burchett. *Endorsed*, Recd. 19th, Read 30th Dec., 1729. ¾ *p.* *Enclosed*,

1034. i. Extract of letter from Capt. Davers, H.M.S. *Dolphin*, to Mr. Burchett. Barbadoes, April 3rd, 1729. A master of a scooner has been with me to complain of the ill-treatment he had met with lately from the French at St. Vincents, he says they would not suffer him to bring away the wood he had cut there, but fired at him all night with small armes from the shore, and encouraged the negroes and Indians to set fire to his vessel, and told him they had orders from the General of Martinico not to suffer any of the English to cut wood there for that all the large timber was preserved for carriages, etc., to help to fortify Martinico; I wish I could say that we were taking that care at Barbadoes, for our fortifications are in a miserable condition, and half the guns to the Leeward part of the island are either plug'd up or filled full of stones by the French traders of Martinico. The French are settling every day with their families upon Sta. Lucia, Dominico and St. Vincents and I am credibly informed that they are going to settle at Tobago, but the three islands I first mentioned are so well inhabited by them that there is not a bay or anchoring place but they have made themselves master of it. *Copy.* 1½ *pp.*

1034. ii. Extract from *Same* to *Same*, 27th May, 1729. I called at St. Vincents to enquire into the complaint of the master of the scooner *etc.* (*No.* i). *Continues*:—Finding his complaint very just, I repre-

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sented it to the general of Martinico who has promised to have the offenders taken up and severely punished. 'Tis computed that the French has upwards of 300 families settled at St. Vincents and not many less at St. Lucia and Dominique. I could not find any settlement at Tobagoe, only poor fishermen that was turtling. *Copy.* 1 *p.* [*C.O.* 28, 21. *ff.* 23, 24–25, 28*v.*]

Dec. 18. Whitehall. **1035.** Order of Committee of Council. Several of the Petitioners heard upon *enclosed memorial quoted,* agreed that the method pursued by the present instruction, relating to Governor's salary, would not be liable to any objection, in case the money so to be settled, was limited to a reasonable sum, and that such sum was particularly specified in the said Instructions. The Lords of the Committee are therefore of opinion, that for preventing the grievances complained of, for the future, a reasonable sum ought to be limited and specified in instructions and settled by the first Assembly after the Governor's arrival *etc.* And for preventing any inconveniency that may arise to the British trade, from any of the duties to be raised for this purpose, that a clause should be inserted in the acts settling the same, to prevent their taking effect, till H.M. in Council hath approved thereof *etc.* The Lords Commrs. of Trade are to consider what sum will be sufficient to be raised for the support of H.M. Governor of the Leeward Islands with dignity, in addition to the salary of £1200 pr. annum allowed from hence, and to the known perquisites arising to the Governors within the severall islands, the amount of which the said Lords Commissioners are to inform themselves of. And they are likewise to report what proportion each of the said islands should bear, in raising the said sum *etc.* *Signed,* Ja. Vernon. *Endorsed,* Recd. 23rd, Read 30th Dec., 1729. 3½ *pp.* *Enclosed,*

1035. i. Petition of merchants and planters and others interested in and trading to the Leeward Islands to the King. *State* past and present state of affairs with regard to Governors' additional salaries. Recent qualifying instructions (1721 and 1728) have enabled Col. Hart and Lord Londonderry to receive additional gratuities amounting to 3 times the £1200 paid them by the Crown. Petitioners have found by experience that the additional instruction tends greatly to the endangering of the peace and welfare of these islands, and to the creating of animosities and divisions amongst the planters *etc.* there with one another and with the merchants here *etc.*, to the impoverishing of the islands and burthening of H.M. trading subjects of this Kingdom *etc.*, particularly those concerned in

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the negro and sugar trades. *Pray that* it may be discontinued *etc.* (*v.* A.P.C. III. *No.* 170). *Signed,* E. Warner, Samuel Travers, Edwin Sommers, Charles M. Neily, Joseph Lowe, Saml. Bonham, Edward Byam, James Alford, Allard Bekin, Crooke Thomas, Samll. Symes, Tho. Butler junr., Wm. Tryon, W. Gerrish, Archd. Cochrain, Rowd. Frye, Rd. Harris, Saml. Martin, T. Wall, Pr. de Lamotte, John Yeamans, Hum. Morice, E. Papillon Ball, Pre. Soulegre, Wm. Coleman, Rd. Boddiott, James Fitter, S. Bethell, Thos. Tryon. *Copy.* 7 *pp.* [*C.O.* 152, 17. *ff.* 108–113, 114*v.*]

Dec. 18. Whitehall. **1036.** Order of Committee of Council. Upon considering the enclosed petition, the Lords of the Committee, looking upon the said proceedings of the Governors to be unwarrantable, and to tend greatly to the discouragement of so advantagious a trade as that of the Fishery, and being of opinion that all kinds of fishery ought to be entirely free to all H.M. subjects, their Lordships hereby order that the Lords Commissioners for Trade and Plantations, do prepare draughts of Instructions, for putting a stop, for the future, to all such claims of the said Governors, and strictly requiring them not to give any discouragement of any kind to the fishery of H.M. subjects upon the coast of America but on the contrary to give all proper encouragement to the same. *Signed,* Ja. Vernon. *Endorsed,* Recd. 23rd, Read 30th Dec., 1729. 1⅔ *pp.* *Enclosed,*

1036. i. Petition of Thomas Coram to the King. Heretofore great advantages hath accrued to your Majesty's subjects settled in severall of H.M. Plantations from the oyl and finns *etc.* of whales killed on their coasts *etc.* For some years past the Governors of some of the said Plantations do as often as they can seize and take to themselves the oyl and other produce of such fish from your Majesty's subjects as being your Majesty's right, pretending that whales and some fishes are royall fish, which is a great discouragement to that fishing in those Plantations, and to many persons from settling themselves there, and is hurtfull to the trade of Great Britain *etc.* *Prays* H.M. to order that fishing of all kinds shall be entirely free to the inhabitants in Nova Scotia, and all other Plantations, as it is to the inhabitants of the Massachusets Bay, and that the Governors do not make any exactions or otherwise discourage the Fishery. 1¼ *pp.* [*C.O.* 323, 9. *ff.* 24–25*v.*, 27*v.*]

Dec. 19. **1037.** Governor Johnson to Mr. Popple. According to the information you gave me that it would be agreeable to the

Lords for me to lay before them such things as I conceived might be necessary for their consideration, I beg leave to observe to you, that (i) An Act of Assembly being past about six years ago for sinking gradually the paper money, and orders from H.M. having been since given not to alter that law, this has occasioned so great an uneasiness yt. the Assembly cannot be induc'd to proceed upon any business previous to ye alteration and settling their paper currency, by insisting upon a liberty to reissue all that was to be cancell'd by the aforesaid Act in order to defray the contingent expences of several expeditions against their enemy which they requested about three years ago by an humble address to his late Majesty *etc.*, the subject matter of which lyes undetermined, and such is the obstinacy of the Assembly in not being gratifyed in this matter that they refused for three years past to provide any tax whereby to raise money for the defence and security of the Province. Therefore this is a point *etc.* upon which I request to be very fully and clearly instructed. (ii) In the disposing and settling the quitt-rents of lands as well to be sold, as those already purchased it will be necessary to peruse an Act passed above 30 years ago *to ascertain the prices of land and payment of quitt-rents etc.*, which Act the Assembly insisting the Lords Proprietors were bound by, and the Lords requiring to be paid in Proclamation money this occasioned the shutting up the Land Office and no land being sold for many years nor any quitt-rents being paid for above 20 years *etc.* *Asks for* full and clear Instructions. (iii) If the arrears of quitt-rents are to be requir'd it will be necessary for me to be instructed in what manner they are to be applyed *etc.* *Suggests*, to building a State House, fortifications *etc.* (iv) The boundaries of N. and S. Carolina are absolutely necessary to be ascertained, to prevent the inhabitants of S. Carolina from running to Cape Fair and setling there to defraud their creditors, and for the remedying this evil, that Cape Fair be made a port and a Collector of Customs appointed to reside there, and the said Port declared to be within the limits of South Carolina. (v) Another Company of soldiers are much wanted for the security of the frontiers from the Indians, and to do duty in Johnston's Fort, which commands the ships coming up to Charles Town. (vi) Great guns for Johnston's Fort and the bastions and line next the sea at Charles Town are greatly wanted, vizt. 40 twelve pounders for the bastion and line at Charles Town, and 20 eighteen pounders and 12 sakers for Johnston's Fort, and 500 light muskets, as many pair of pistolls, swords and pouches. All the forts are almost ruin'd by the hurricane about a year ago. (vii) A new Broad Seal and Commission for trying pirates will be necessary. (viii) As the Charakee Indians, a numerous Nation who have behav'd themselves well towards the English, sent by the hands of one Mr. Savy who liv'd amongst them, an

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Address to H.M. accompanied with a present of carpets *etc.*, it would be very necessary for me to be instructed to own H.M. receipt thereof, and to send them in return to the value of £200, which would very much attach those people to the English and be of great service to the Province. (ix) Lord Townsend has directed me to acquaint their Lordships that it was advisable that a clause in the bounty Act which obliges all tarr makers to burn the moeity of every kiln of tarr into pitch should be recommended to the Parliament next session to be repealed because his Lordship is informed by Mr. Spotswood that it is apprehended this clause continued will bring a great disreputation upon American tarr, and moreover that his Lordship is of opinion the numeration should be taken off all rice carried from Carolina to the Southward of Cape Finesterre. (x) By the Act *for establishing an agreement etc.*, there is a saving to all persons lawfully claiming any office under any grant made before 1st Jan. 1727 under the Common Seal of the Lords Proprietors *etc.* Some doubts have arisen concerning the legality of some of the said offices. *Asks for instructions thereon.* P.S. Nothing is so much wanted in Carolina as white inhabitants. It is my opinion therefore that if H.M. would be at the charge of transporting of about 200 familys of Swiss or other foreigners and give 40*s.* a head to each man to buy working tools *etc.* and lands at easy rates wth. what the Assembly of Carolina are inclined to do for them, they will find themselves so happy and easy that they will soon invite great numbers to follow them to Carolina as they have done to other Colonys without further charge to the Crown. *Signed,* Robt. Johnson. *Endorsed,* Recd. 20th Dec., 1729, Read 28th Jan., $17\frac{29}{30}$. $2\frac{1}{3}$ *pp.* *Enclosed,*

1037. i. Act of Carolina (N. and S.) 1696, to *ascertain the prices of land etc.*, referred to in preceding. *Same endorsement. Copy.* 18 *pp.* [*C.O.* 5, 361. *ff.* 34–44*v.*, 45*v.*]

Dec. 22.
Albemarle.

1038. Mr. Porter to the Duke of Newcastle. *Refers to* letter of 15th June *etc.* *Continues:* Sir Richard now every day signs both warrants and pattents (*etc. v.* 30th Nov.) And what is worse, was induced some time ago by the uncommon art and cunning of this Mr. Lovick, and his two confederates Moseley and Wm. Little, ye Receiver General, to sign many pattents wherein ye number of acres are left blank and on the same pattents there is the Receiver General Little's recept likewis in blank for the purchas money, so that the possessors of such pattents, have it in their own power to put in as much land as by Our Charter might make them Landsgraves or Cossicks; whereas I beleive the true intent of Sir Richd. was, that every pattent he so signed should contain what is by ye later Lords Proprietors' orders, and by our own laws distinguished to be a tract containing 640 acres, instead of wch.

some people who are let into the secrit, and that has procured such pattents has filled up ye blanks with what quantity of land they please; one Lane of the County of Bath put into his pattent 5,000 acres, others more, and some less, by which means before H.M. Commissions can take place amongst us, most of the land will be disposed off under a sham proprieterry title, and ye money arrising therefrom put into the pocketts of those three Messinarys, Lovick, Moseley and Little *etc.* As I once mentioned before, if there was an Officer suddenly appointed as Recr. General, with a power of inspecting into such former conduct, it might possibly be many thousands pounds advantage to the Crown; and if your Grace would be pleased to think me deserving of so great a trust, no man shall more faithfully discharge it *etc.* *Signed,* Edmond Porter. *Endorsed,* R. April 23. $2\frac{1}{3}$ *pp.* [*C.O.* 5, 308. *No.* 5.]

Dec. 23. **1039.** T. Lowndes to Mr. Popple. The Officers of Carolina within the intention of the saving clause of the Act for purchasing Carolina, are Edward Bertie, Secry. and Register for two lives, myself for two lives Provost Marshall Clerk of the Peace and Crown. Mr. Robert Wright was appointed Chief Justice for life.. But he having never been possessed of his patent and some of the Ministers urging of what ill consequence it might be to have that officer for life, 'twas agreed that notwithstanding the saving clause that patent should be delivered up to the Lords Commrs. for Trade to be cancelled and that it should be an article in the Governour's Instructions to appoint Mr. Wright H.M. Chief Justice of S. Carolina during H.M. pleasure *etc.* *Signed,* Tho. Lowndes. *Endorsed,* Recd. 24th Dec., 1729, Read 13th March, $17\frac{29}{30}$. *Holograph.* $1\frac{3}{4}$ *pp.* [*C.O.* 5, 361. *ff.* 65, 65*v.*, 66*v.*]

Dec. 25. **1040.** Petty expenses of the Board of Trade, Michaelmas to Christmas. (*v. Journal*). 6 *pp.* [*C.O.* 388, 79. *Nos.* 54–57.]

Dec. 25. *Rose.* Downes. **1041.** Capt. Weller to the Council of Trade and Plantations. Encloses following. *Signed,* John Weller. *Endorsed,* Recd. 27th Dec., 1729, Read 19th March, $173\frac{0}{1}$. *Addressed. Postmark.* $\frac{2}{3}$ *p.* *Enclosed,*

1041. i. Replies (in margin) to Heads of Enquiry relating to the Fishery and Trade of Canso. (i) But 3 families remain; they hold their houses, flakes and stages by patent from Governor Philipps. (ii) There is no boats nor train-fats, the fish being taken on the banks by New England scooners and the liver put in tubbs for that purpose. (iii) The fishermen come all from New England about March and return about October. (iv) The inhabitants are supplied some from Great Britain but most from Ireland. (v) They sail by shares, but are often paid in liquor with some few cloaths. (vi) No boats, but scooners of about 40 tuns and 5 men. Fitting cost £130 sterling for a season. (vii) They have no other employment then fishing and curing of fish, and are dilligent in it, etc. (viii) All go home except some servants to take care of the stages, and mend them in the spring. (ix) All have roome, and there is roome for many more. (x) The length allow'd by the Governor is 60 yards up from the water and 8ft. wide, which will spread 20 quintals of fish. (xi) None (victualled) from Britain; some few from Ireland, but mostly from New England. (xii) No fishing ships (*share*); the scooners people share; the ships that come are all for Sack. (xiii) Cannot learn the number in the whole province, but in Canso ten licensed (*taverns*). But all the shoremen have stores as they call them, and sell to the scooners people and than they work with them, allways paying them in drink or cloaths, but no money. Most storehouses keep their servts. all winter who do nothing tell ye spring, than repair the flakes which servts. are all Irish. (xiv) No more families remain than 4 as inhabitants and what come in the summer are paid in rum, tobacco, suger and molasses. (xv) What people come here for the season are from New England at 40*s*. going or coming paid in fish or worked out. (xvi) By this manner of their paying they are often disabled and unfit for their business, to the great discouragement and obstruction of the Fishery. (xvii) None are left behind but the servants to take care of the store houses. (xviii) The New England people and traders entice all they can, both of seamen and handycraftsmen, from the men of warr and mercht. ships from Europe. (xix) They all promise to take more care in curing their fish, and have this season *etc*. The manner of seeking fish on the banks is about 16 some 20 to 40 leagues off where they split and salt them, 10 hhds. (*of salt*) to 100 quintalls. At their landing they wash them out in the sea; then spread them on flakes; but sometimes are five weeks out, which I believe makes them not so good as catch'd in boats along shore, but til their's inhabitants this will not be us'd. (xx) At Lewisburgh 1,500 souls 7 companies of soldiers strongly fortify'd, ships from Europe there and West Indies, 50 sail carrys away 400,000 quintals of fish. Places names, *Niganist* a small harbour, not fortify'd; 3 ships exports 1,000 quintals, hath 10 stages, 2 boats to a stage, and three men to each boate; *Scatery* a smal harbour not

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fortify'd, 5 ships, exports 15,000 quintals of fish; hath 22 stages, two boats to a stage and three men to each boate; *Laballain*, one ship, exports 7,000 quintals, hath 7 stages, two boats to a stage and three men to each boat; *Esprite* no ship harbour, exports 10,000 quintals of fish, hath 20 stages, two boats to a stage and three men to each boat. *Petre-de-Grote* harbour for small ships exports 5,000 quintals of fish, hath 7 stages two boats to a stage and three men to each boat. Several boats came to fish on the coast of Nova Scotia, but return when they are forbid. There are several Irish Papists settled at Cape Breton. (xxi) I never heard that any officers or soldiers concern'd themselves directly or indirectly in the fishing or have any rooms, or flakes, or hire their men out to fish. *Signed*, John Weller. *Sealed.* 4¾ *pp.*

1041. ii. Scheme of the Fishery at Canso for 1729. British sack ships, 12, of from 20 to 150 tons; 92 men; schooners from America, 223, of from 6 to 100 tons; 1,118 men; passengers carried thither by British ships, 2; quintals of fish made by the schooners from America, 51,749; carried to foreign markets, 38,929. Train oil made by the schooners from America, 28 barrels. Price of fish from 11*s.* 6*d.* to 7*s.* sterl. pr. quintal. Number of stages, 51. Number of inhabitants, exclusive of garrison, 20; number of fishermen who stayed all last winter, 100. *Signed*, John Weller. 2¼ *pp.* [*C.O.* 217, 6. *ff.* 13, 14–17, 18*v.*]

Dec. 26.
Boston.

1042. Lt. Governor Dummer to the Duke of Newcastle. *Refers to* correspondence enclosed. *Cf.* 10th Dec. Has endeavoured in vain to cultivate a good understanding with Col. Dunbar. The occasion of his desiring to see his Commission was on account of the Indians, "who, as I was inform'd by my officers in the forts there, were under some discontents and jealousys that the late Treaty made with them might be infracted by newcomers; and it seemed necessary that the Indians should know to whom they were to apply themselves for their satisfaction therein." *Continues*:—It may not be amiss to put your Grace in mind, that H.M. has a fort in that countrey, between Kennebeck and Nova Scotia, where there is a garrison of soldiers supported at the charge of this Province, and a trade carry'd on with the Indians from thence, according to the Treaty made with them at Casco, at some considerable expence, any interruption whereof may be a great detriment to H.M. service, *etc.* *Refers to* passage in the second letter, mentioning a libel in one of the newspapers, which he had not seen. *Continues*:—I suppose it to be meant of a paragraph, in the inclosed print, and said to be spoken in Spain by the

Corrigedor of Seville to the King of Spain. The pamphleteers here, as in other places, are too forward to print any impertinent paragraphs to fill up their papers: and tho' this author took care himself to condemn the performance as an insolent peice, I have nevertheless forbidden him any more to print in his paper, published by Authority, which he pretended to have the late Governor's leave for. *Signed*, Wm. Dummer. *Endorsed*, R. Feby. 3d. 2 *pp.* *Enclosed*,

1042. i. Lt. Governor Dummer to David Dunbar Esq. Dec. 3, 1729. Having some time since shewed you a clause in *my* Commission for the Government of this Province *etc.*, wherein the lands lying between the territory of Nova Scotia and the Province of Main are expressly mentioned and included: and having then and lately at your own house desired you to shew me, if you had any later Commission for the Government of that countrey *etc.*, you were pleas'd to assure me, that you would in two or three days give me intire satisfaction therein: and since you have lately had an interview with the Eastern Indians, and have been building the fort at Pemmaquid, I find myself obliged to remind you thereof, that H.M. service, especially relating to the Indians inhabiting there, may meet with no obstruction or detriment. *Signed*, William Dummer. *Copy.* 1 *p.*

1042. ii. Col. Dunbar to Lt. Govr. Dummer. Dec. 4, 1729. *Quotes* his Commission as Surveyor General and the report of the Council of Trade, "who are not a set of broken merchants, as some people here take the liberty to say, but men of quality, character and fortune, and members of either House of Parliament" *etc.* *Continues*:—These are sufficient for me that the Massachusets Province have no jurisdiction beyond, or to the eastward of Kennebeck *etc.* I can't help observing that your motive for demanding my power, is that I have been rebuilding the fort at Pemmaquid, *which* was destroyed 33 years ago by the French and Indians, and has lain in rubbish ever since, notwithstanding repeated orders from England to the Government of this Province to rebuild it, until it was included in Governor Philips' Commission *etc.* It looks like the dog in the manger *etc.* I could have wished that that objection against me had been made by somebody else, it would have bin more of a peice with their disowning the fortress in the harbour to belong to his Majesty, when in some late proceedings the words His Majesty's Fort were left out, and only called Castle William. I am in hopes matters will soon be put upon a new footing here, being persuaded that the King thinks it high time to exert his sovereignty, where many are so audacious as to disown it (of which I can prove some instances) and make this Province a happy Colony in despight of them. I would have acquainted you by word of mouth with what I have herein related, and have shewn you the proper paper; but I waited to have it demanded in writing, that there should be no mistake *etc.*, and the rather because I heard it was intended by the Assembly *etc.* *Signed,* David Dunbar. *Copy.* 1½ *pp.* [*C.G.* 5, 752. *Nos.* 44, 44 i.]

1042. iii. Lt. Gov. Dummer to Col. Dunbar, Dec. 6, 1729. *Objects* to the motive attributed to him in preceding *etc.* *Continues* :—By H.M. Commission that countrey is put under my care; and in pursuance of that Commission I have from time to time done acts of Government there, in the most important of which I have had H.M. approbation; therefore *etc.* I cannot but think it my right and duty to enquire into the public proceedings carried on there *etc.* *Continues :* If any such rude and indecent expressions have bin utter'd of the Lords Commissioners for Trade, you cannot have a greater resentment than I have *etc.* Since you have intimated that there are many in this countrey who are so audacious as to disown H.M. sovereignty, which I never heard of before, I think the crime is of so high a nature that you ought to bring them out, that so the law may be put in execution against them *etc.* Since you have shewed me your Commission as Surveyor General of H.M. woods, I shall be ready to give you my utmost assistance there in H.M. service. *Signed,* William Dummer. *Copy.* 2 *pp.*

1042. iv. Col. Dunbar to Lt. Gov. Dummer. Dec. 8, 1729. His comparison was not intended to be personal *etc.* *Continues* :—It is not my business to find fault, nor to enter upon arguments, if your Government extends beyond Kennebeck in your present Commission (which was not apprehended in England). You may please to try whether I shall disobey any orders you give; what I have done there I am authoriz'd to do by more Commissions and Instructions than one, the ravages and wasts, in those parts hitherto committed, do require some care to prevent the like for the future *etc.* *Continues* :—As for what the reflections on the Lords Commissioners for Trade and the people's disowning H.M. Sovereignty, it is too notorious, and some of your chief traders and leading men concerned in it, and this in a public manner, to bring them out,

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as you say I ought to do, no man living is better inclin'd, but there may be a properer time for it; had I heard that any notice had bin taken of the printer and publisher of last Monday's paper, it might have encourag'd me to do; the printer of the original of that audacious libel was under prosecution for it, when I left England, and I think reprinting of it at this distance of time no less culpable than the original; I own I can [? *not* Ed.] help being mov'd at these things, they make my blood boil, and were I a private Justice of the Peace, I would have called the party to an account for it *etc.* *Signed,* David Dunbar. *Copy.* 1½ *pp.*

1042. v. *The Boston Gazette.* New England, Numb. 523. Published by Authority. From Monday Nov. 24 to Monday Dec. 1, 1729. *Printed.* 2 *pp.* [*C.O.* 5, 898. *Nos.* 63, 63 i (*covering letter and enclosure v. only*); *and* (*enclosures* i–iv *only*) 5, 752. *Nos.* 44, 44 i–iii.]

Dec. 26.
Boston.

1043. Lt. Governor Dummer to the Duke of Newcastle. Having prorogued the General Assembly of this Province on Saturday last to the 18th of March next, after near five weeks sitting, I take this first opportunity to transmit the printed Journals *etc.* At the opening of the Session I began with moving them once again to a complyance with H.M. Instruction for fixing a salary, which the House soon voted a denial of *etc.*, sending me at the same time a message, that they were ready to give me an ample and honorable support: To which I sent down an answer, assuring them it would be to no purpose to vote me any support, that should not be entirely conformable to H.M. Instructions, for that I should not accept it *etc.* However, they thought it best to proceed, and voted me £750 of this money in the usual form, and sent it up to the Council for concurrence, which being amended there, and that non-concur'd by the House, it never lay before me; which if it had, I should have immediately rejected it, agreable to my message, as being no ways conformable to H.M. Instruction. The whole of this affair your Grace will find in the five first sheets of the Journals. The other matter mentioned to them related to the restoring the value of the bills of credit, which was so far considered that a bill was projected for the same, and that order'd to be printed, and persons appointed to try for subscribers, agreable to the projection of said bill, a printed copy whereof I herewith send your Grace. If it meets with success this winter in obtaining subscribers it will doubtless come under consideration again in the next Sessions; but this being a matter of an extraordinary nature and importance, I shall not pass it without express leave from H.M. or a clause therein suspending the execution until H.M. pleasure shall be known: And here I can't but observe to your Grace, that H.M. subjects of this Province, and those of Great Brittain who trade into this countrey have long suffer'd great damage and loss by the unsteady and declining state of our bills of credit, which is the medium of trade here (and are now sunk to one third of the value of lawful money) this bill proposes to retrieve and ascertain for the future; and it is thought by the most substantial people of estates and trade to be well calculated for that end. There has bin much time spent by the Representatives in this last session, in endeavouring to obtain a concurrence of the Council for a supply to two persons they have appointed to sollicit their defence against H.M. 23rd Instruction to the Governor; which your Grace will see the Council have with great constancy always noncur'd, and thereby prevented my negative; as they have also done in the affair of the Attorney General, which has likewise bin pursued with great heat *etc.* *Refers to Journals. Continues*:—The House not being able to effect a supply for their Agents in this way, have by a kind of brief recommended it to the several towns in the Province to raise £4,000 for that use in pag. 162, which they there say will purchase £1,000 sterling, if not some thing more, by which it appears, how the bills of credit are sunk in their value. I know of nothing more that has passed in the General Assembly worth noticing to your Grace, but that the late Governor Burnet's executor thought it proper to put in a memorial to the House of Representatives, setting forth that the said Governor received nothing for his services *etc.*, and praying an allowance for the same to his children, which passed in the negative as appears in p. 156. I can't omit explaining to your Grace upon one article of the complaint made by the Agents of the House against the late Governor, respecting let-passes and registers *etc.* As to the first I never gave any of them out for the reason I mention'd to your Grace in a former letter; and the late Governor's defence of that article is contained in the Journals of the former Sessions *etc.*, but for the Registers the Governor at first had a fee of 9*s.* or one peice of eight and an half, which was above 1oz. and 1 quarter of silver, a third of which he allow'd the Secretary for drawing them: And now I have 23 shil. in bills for myself and the Secretary; and the bills of credit are so miserably sunk that silver is every day sold at above 21 shillings an ounce: so that in fact I have not so much for registers as the Governors had upon the first establishment of them; which those merchants well know and therefore cannot be excused their amusing and trifling with their Lordships in this article *etc.* P.S. The registers will not amount to more then £230 pr. annum, which is not £60 sterling *etc.* *Signed*, Wm. Dummer. *Endorsed*, R. Feb. 3rd. 5 *pp.* [*C.O.* 5, 898. *No.* 64.]

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Dec. 26. **1044.** *Same* to the Council of Trade and Plantations. *Repeats* preceding, *mutatis mutandis.* *Signed,* Wm. Dummer. *Endorsed,* Recd. 6th Feb., 17$\frac{29}{30}$, Read 9th June, 1731. 4 *pp.* *Enclosed,*

1044. i. Draught of a bill for retrieving and ascertaining the value of the bills of credit of the Massachusetts Bay. *Endorsed,* Recd. 6th Feb., 17$\frac{29}{30}$. *Printed by* Thomas Fleet by order of the House of Representatives. 6 *pp.* [*C.O.* 5, 872. *ff.* 104–106*v.*, 107*v.*–110*v.*, 111*v.* *with abstract.*]

Dec. 29. **1045.** Col. Dunbar to Mr. Popple. *Abstract.* Has received information upon the promise he published of a reward, against a person who cutt downe 70 mast trees in New Hampshire. Hopes to get from this man a discovery of others concerned, and will prosecute them with vigour. There is more hope of justice in that province than in Maine. He offered these trees and others seized last year to Mr. Waldo and Mr. Westbrook as part of the contract for the Navy, but he refused them, the reason being, he thinks, that they were at too great a distance from their saw-mills *etc.* *Continues* : Mr. Waldo goes home in this ship as Agent for a number of the claimants for vast tracts of land in Georgia, he is one of the Company concerned with Dr. Cook, and I find dayly so many of those claims that if they are confirmed *etc.*, H.M. can have no nurserys reserved there for the Royal Navy *etc.* Mr. Waldo is one of Dr. Cook's violent ones, has rais'd a large subscription and undertaken by boasted interest to carry the point " *etc.* Mr. Waldo in the royal licence is forbidden to cut trees until viewed by Mr. Dunbar or his deputy ; this though necessary on account of the saw-mills, involves delay and may cause complaint. Has directed Mr. Slade, his deputy, to assist Mr. Waldo in converting oak plank and timber for the use of the Navy, according to his request and the desire of the Navy Board. Mr. Waldo says Mr. Westbrook will not venture upon further contracting with him, apprehending the indulgence given by me to the loggers (*v.* Dec. 9) will put him under difficultys to find masts. He made some suggestions which Mr. Dunbar finds impracticable. There are men of substance there who would undertake the contract 10 p.c. cheaper. Mr. Waldo's common character is to give all the trouble he can *etc.* Hopes that what he has said will prove that he has no view but to discharge his duty, " which must occasion murmurings and complaints from ungovernable people who would be under no controul, and who never will behave as English subjects until this country is under another form of Government. I this day received a letter from the Indian chiefs of the Penobscot tribe signed by their Lieut. Governour or Vice-King who was not at Fredericksburg with me, and by Loron the Ambassador they had dispatched to Cannada

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to know the French Governour's opinion of the new settlement (*v.* 10*th Dec.*). I send the original now to my Lord Duke of Newcastle, and herewith I send you a copy, the French Governour advised them to live well with the English, this will satisfye everybody that the settlement will onely be attended with fateague wch. I am willing to undergo until H.M. pleases to appoint another, but I cannot appear there again until I have powers wch. should be here in March if possible, and they should be such (with submission) as to enable me to form a Majestracy and Militia, I humbly beg leave to recommend this to my Lords Commissioners' consideration, and that any artillery, small arms, pioneer tools and amunition may be dispatched at the same time, likewise a seal for the new Province." *Asks for the Board's directions etc. Signed,* David Dunbar. *Endorsed,* Recd. 3rd Feb., Read 6th May, 1730. 7¾ *pp. Enclosed,*

1045. i. Indian Chiefs of Penobscot tribe to Col. Dunbar. 14th November, St. Georges River in Georgia. Great Sir, Your letter was read and interpreted to us by Capt. Gyles, and we like it well, and we hear you are planted at Pemaquid, it was unknown to us, but since you are settling the old settlements that was formerly, we consent to it, and not to exceed the old boundarys of Pemaquid; We are all well pleased to hear of yr. observeing the Articles of Peace made between us and the Province of the Massachusets Bay. Good friend you say you are imployed by H.M. King George, if you pass St. George's River we shall be uneasy. [*Note in margin*: St. Georges is 10 leagues eastward of Fredericksburg] *etc.* If any pass St. Georges River to plant, we shall not think them to be our friends. *Signed,* Capt. Loron, Thorout, Espegued, Aton. (*Totem Marks*). *Endorsed as preceding. Addressed. Copy.* 1¼ *pp.* [*C.O.* 5, 871. *ff.* 90–94*v.*, 95*v.*]

Dec. 30. Whitehall. **1046.** Council of Trade and Plantations to the Duke of Newcastle. Mr. Belcher, whom H.M. has lately been pleased to appoint His Governor of N. Hampshire, has observ'd that by the following records in his Commission, he is only appointed Governor of part of that Province; therefore desires that they may be amended. The words, as they now stand are, vizt. "Governor and Commander in Chief of all that part of Our Province of New Hampshire within Our Dominion of New England in America, lying and extending itself from three miles northward of Merrimack River or any part thereof, unto the Province of Main, with the South part of the Isle of Shoals," *etc.* But as the persons appointed from time to time by the Crown to be Governors of this Province, have always been understood to be Governors of that entire Colony, and have

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constantly acted as such, we conceive that it may be for H.M. service that this antient error may be amended, and the words altered in the following manner, vizt. "Governor and Commander in Chief of our Province of New Hampshire within our Dominion of New England in America." *Autograph signatures.* 1⅔ *pp.* [*C.O.* 5, 931. *No.* 18; *and* 5, 916. *p.* 261.]

Dec. 30. Whitehall. **1047.** Mr. Popple to Mr. Wilks. Encloses proposition for settlement of salary of Governor of the Massachusets Bay to be transmitted as suggested Nov. 12. *q.v.* [*C.O.* 5, 916. *p.* 262.]

Dec. 30. Whitehall. **1048.** Council of Trade and Plantations to the King. Enclose following, pursuant to Order of 19th Nov. (*v.* A.P.C. III. *No.* 192.) *Annexed,*

1048. i. Drafts of H.M. Additional Instruction to Governors of Plantations to be assisting to the Deputy Receivers of the 6*d.* pr. month from seamen's wages for the Royal Hospital at Greenwich *etc.* [*C.O.* 324, 11. *pp.* 157–159.]

Dec. 30. Boston, New England. **1049.** Col. Dunbar to the Duke of Newcastle. *Refers to* letter of 10th and *encloses* an original letter received from the Chiefs of the tribes of Penobscott. One of them, Espiguett, is the Vice King and esteemed the most sensible man among them. Loren was sent as Ambassadour to Cannada to consult the French Governour how to behave towards the new settlement, and it may be a satisfaction to your Grace that we are under no apprehensions from them, the interpreter Mr. Gyles was a captive among the Indians from his childhood, and now belongs to a truck house at St. George's River ten leagues eastward and farther along shore in Georgia than Fredericksburg so that from Kennebeck River to St. Georges is about 50 miles, enough to be settled until I am better acquainted with the natives, and doubt not to go as much farther by fair means as shall be desired. I cannot well appear there again until I receive powers to form a majestracy and militia, with which I humbly hope H.M. will order some arms and ammunition to be dispatchd as early as may be, *etc. Continues*:—If this new settlement be not prevented by the malicious pretensions and claims made by the inhabitants of the Masachusets, who neither would improve the lands themselves, nor lett others do it, I dare answer that in very few years it will be found of more use to England than those same people who now endeavour to obstruct it, to which end there now goes to England one Mr. Waldoe, as Sollicitor for the claimants, he is one in company with the noted Dr. Cook who claims 30 miles square and is equally undeserveing H.M. favour. I am under the greatest anxiety until I have the honour to receive your Grace's commands and know H.M. pleasure relateing to this Collony,

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people are crowding to it so that in the spring there will be a great concourse. *Signed*, David Dunbar. *Endorsed*, R. Feb. 13th. 2⅔ *pp.* [*C.O.* 5, 898. *No.* 65.]

Dec. 31. Pall Mall. **1050.** Governor Belcher to the Duke of Newcastle. When you indulged me with the honour of paying my duty to you at New Castle House, you was pleas'd to express your satisfaction in the King's appointing me to the government of New Engld., altho' your Grace hapned to be out of town when it was done *etc.* *Returns* thanks for "the favour and goodness with which you treated me, and which flows from a greatness of mind, allow'd by all the world to be so natural and peculiar to your Grace" *etc.* *Refers to* question of his Commission for N. Hampshire *v.* 30th Dec. *Continues* :—I have further to beg of your Grace that you would not entertain a thought to my prejudice on the score of the station I lately sustained in behalf of the Massachusets Bay, because I am not conscious of my behaving therein otherwise than became a man of honour and justice, in the trust he had accepted *etc.* No one shall be more tender of the honour and dignity of the Crown, nor be more industrious to promote the interest of the Mother-Kingdom than myself, all which I think very consistent with the just rights privileges and happiness of the Provinces under my Government *etc.* *Compliments.* *Signed,* Jonathan Belcher. *Holograph.* 4 *pp.* [*C.O.* 5, 898. *No.* 66.]

Dec. 31. **1051.** Sir Bibye Lake to the Council of Trade and Plantations. Memorial and particulars of lands in New England claimed by him and others, Jan. 22, 1717. *Endorsed*, Recd., Read 31st Dec., 1729. *Copy.* 3 *pp.* [*C.O.* 5, 870. *ff.* 303–304, 306*v.*]

Dec. 31. Whitehall. **1052.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expenses and Officers' salaries for quarter ending Christmas. Accounts annexed. [*C.O.* 389, 37. *pp.* 306, 307.]

Dec. 31. Whitehall. **1053.** *Same* to the Duke of Newcastle. *Enclose* copies of letters from Mr. Forbes and Mr. Freelove, "whereby your Grace will perceive what progress the French have made in settling themselves at St. Lucia, St. Vincents and Dominico." *Continue:* Since the receipt of these letters, we have had an opportunity of discoursing with Mr. Freelove, who has informed us that the French are now about 3,000 settled at St. Lucia, and that their numbers are daily encreasing from Martinique; But as he had his information chiefly from a Lieut. to Capt. Davers, Commander of H.M.S. the *Dolphin*, there may possibly be some mistake in the number for Capt. Davers's letters to the Admiralty on the same subject call them 300 families:

but as your Grace will perceive, the extracts from Capt. Davers' letters do strongly confirme the greatest part of the information we have had from Mr. Freelove. Mr. Freelove has further inform'd us, that the French have lately denied some of H.M. subjects the liberty even of getting wood and water at St. Vincents and Dominico. We shall not, upon this occasion, trouble your Grace with a deduction of H.M. undoubted title to these islands, and of the consequence they are of to this Kingdom, having in several of our reports set that in a clear light; But we think it for H.M. service to acquaint your Grace, that at a Conference between the English and French Commissaries at Paris in Jan. $17\frac{19}{20}$, at which the late Regent was present, after each party had set forth their pretentions to St. Lucia, the Regent own'd it would be but just that the French Colony, sent there after the French King's grant of that island to the Marshall d' Etree, should be withdrawn, and he promis'd orders should be sent to that effect; But that about 50 families who were there before the arrival of the said Colony, should remain there, till the claim of right should be absolutely determin'd; and accordingly an order, for putting St. Lucia into the condition it was in before the Marshal d'Etree's grant of it, was made 6th Feb., 1720. Since this, your Grace will perceive by the inclos'd extracts, how considerably the French have encreas'd their numbers on that Island; and should no stop be put thereto, we conceive it must be of dangerous consequence to Barbados and the Leeward Islands, to have this addition to the power of the French in those parts, where they are already so strong. We therefore beg your Grace will lay a state of this matter before H.M. for his orders thereon. *Autograph signatures. Endorsed*, Copy sent to Mr. Poynz, 30th Jan. 3 *pp. Enclosed,*

1053. i. Extract of letter from Mr. Forbes, Barbados, 4th July, 1728 encl. (i) In yours you seemed surprized at the number in mine mentioned to be then settled on Sta. Lucia, *etc.* This serves to assure you that there are now already upwards of 1,200 French families there settled, and daily increasing; 'Tis true they are at present very courteous and civil to the few English that are amongst them, but it may be justly fear'd that the very first opportunity that offers, they will readily embrace to dispossess them *etc.* I did not go to Sta. Lucia myself, but from those that did, I've learnt what I now write *etc. Copy.* 1 *p. Endorsed as preceding.* 4 *p.*

1053. ii. Copy of letter from Francis Freelove to William Wood, Barbados, July 1st, 1729. *v.* C.S.P. *supra. Endorsed as preceding.* 4 *pp.*

1053. iii. Letter from M. des Ruaux to [— ?]. Paris, 24th June, 1731. [*sic*]. I have received advice from

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Martinique that the French vessels of the isles had taken three *barques que l'on nomme batteaux aux dittes isles*, laden with cattle provisions and blacks, which were anchored in the roads of St. Lucia (*St. Lousia*), which traded there with some French vessels laden with sugar, which proves that so long as St. Lucia is not inhabited, or declared to belong to England or France, foreign trade will always be carried on there, which will not only be to the loss of the commercial interests of the two Crowns, but will certainly cause trouble by the capture of vessels there. This last reason should decide the English Court to make a treaty for assigning the island of St. Lucia to one or the other of the two Crowns. *Suggests* that if use is made of this Memorial, as of his last, it might be proposed that he should be consulted, having been sent in 1719 as Inspector General of the French West Indies to enquire into the causes of the foreign trade carried on there to the detriment of both Crowns *etc.*, and that this proposal came from the English Governors *etc.* *Signed*, desraux. *French.* 3½ *pp.*

1053. iv, v. Extract of letters from Capt. Davers, H.M.S. *Dolphin*, to Mr. Burchett, 3rd April, 27th May, 1729. Duplicates of *Nos.* 1034 i, ii.

1053. vi. Statement of H.M. title to Sta. Lucia, 1626–1688. *v.* C.S.P., 2nd June, 1709 *etc.* 3¾ *pp.*

1053. vii. Mr. Pulteney to the Council of Trade and Plantations, Paris, 15th Jan. (N.S.), 1720. *v.* C.S.P., 1720. *Copy.* 4 *pp.*

1053. viii. Conseil de Marine to the Lt. General and Intendant of the French Windward Isles, relating to Ste. Lucie. 6th Feb. (N.S.) 1720(1) *Signed*, L. A. de Bourbon. *French.* 1¾ *pp.* [*C.O.* 152, 40. *Nos.* 29, 29 i–vii ; *and* (*duplicates of No.* i *only*) 253, i. *Nos.* 37, 38 ; *and* (*covering letter only*) 29, 15. *pp.* 122–124 ; *and* (*enclosures* ii *and* iv *only*) 28, 40. *Nos.* 5, 6].

[1729]. **1054.** Petition of Woodes Rogers to the King concerning his proposals for settling the Bahama Islands. *Copy.* 1¾ *pp.*

Same to the Lords Proprietors. *Copy.* 3 *pp.*

Same to the King. *Copy.* 2¼ *pp.*

Petition of sundry merchants to the King. *Copy.* 2½ *pp.*

Same to Joseph Addison. *Copy.* 2 *pp.*

Brief remarks of the most material transactions relating to the Bahama Islands. *Copy.* 8½ *pp.* *v.* C.S.P. 1717 *etc.* [*C.O.* 23, 14. *ff.* 93, 93*v.*–96, 97–98, 99–100, 101, 101*v.*, 103–107].

[? 1729]. **1055.** *After* Treaty of Seville Nov. 1729. The Affair of the Jamaica embargo stated. [*A Memorandum apparently drawn up by Mr. Delafaye for the Duke of Newcastle. Ed.*]. *Sept.* 15*th*, 1728. The Spaniards continuing their depredations in the West Indies, and there being advices of their having a design upon Jamaica, orders were sent to Commodore St. Lo to seize their cruizers; of which notice was given to Govenr. Hunter, with directions also to him to put the island into such a condition that he might not be insulted or surprised. *Feb.* 13*th*, 1729. The intelligence of a design upon Jamaica was confirmed, with this addition, that the King of Spain had approved the scheme of which particulars were now sent. An account of this also was written to Governor Hunter *etc.* (*v.* Feb. 17th). At the same time orders were sent to the Admiralty to provide transport ships, and a reinforcement of ships and land forces was intended to be sent thither; But as such preparations require time, and there was no necessity of hurrying away this reinforcement, till one knew that the Spaniards were actually victualling their ships, and preparing to embark their troops; news came, the mean while, that their design on Jamaica was suspended, and in the beginning of May came an account that it was dropt, *May* 9*th*. The objection will be made, that when this advice came, notice should have been sent of it to Jamaica. To this it may be answered, that there was no certainty of the design upon Jamaica being quite laid aside, so as not to be resumed, till the signing of the Treaty of Seville, for had we not come to an agreement with Spain, their attempt upon Jamaica was not a chimericall one. They had felt the disadvantage to them of that Island being in our hands, from whence the Squadron was supported, that blockt up their galeoons, and that they have long had an eye upon it appears from Monsr. Pocobueno's presenting a ridiculous memorial to demand it for the Duke of Veraguas, so long ago as in July 1723, alledging that tho' it was true, the Crown of Spain, by the Treaty of 1670, allowed the English to retain what they were possest of in America, that could not include Jamaica, which did not belong to that Crown, but to the Duke, who ought not to be prejudiced by any concession which his King thought fit to make; Since therefore there had been a positive account of an attempt intended, not at all improbable, and which tho' suspended might possibly be resumed, would it have been prudent to put the inhabitants of Jamaica off their guard: especially as their preparations for their defence, could not be imagined to be such as that the Trade could be affected by them; this caution having been given, that they should not be of such a nature as to create an alarm: and when the news came of the embargo being laid on the shipping there, it gave as much surprise to the Ministry at least, as it did dissatisfaction to the merchants, and accordingly upon receipt which

[? 1729].

came the 14th June, a fregate was sent away the 17th of that month with a letter to the Govr. disapproving what he had done, and ordering him to take off the embargo forthwith etc., but had such notice of the suspension of this design been sent to Jamaica, it would not have mended the matter. For the first news, and that but uncertain, that the design upon Jamaica seemed to be put off, was not receiv'd till the 18th April, and could not have reached Jamaica time enough to prevent the embargo, which was laid the 6th of April and taken off May 29th. As to the conduct of the Governor and Council of Jamaica, they had had notice sent them the Sept. before to put themselves in a posture of defence; they had observed their neighbours in the Spanish Colonies making warlike preparations; they receiv'd advice in April of a scheme for attacking them, which was the more probable, as it tally'd with the preparations in their neighbourhood. The warlike preparations of the neighbouring Spaniards, were cause sufficient for the proclaiming of Martiall Law, which by the laws of Jamaica is directed to be done upon every apprehension and appearance of any publick danger; and considering that their Militia consisted mostly of Irish Popish servants whom they could not intirely confide in (a circumstance till then unknown here, and most probably unheeded by themselves) they did not attend so much as they should have done to the nature of the preparations directed from hence, but had recourse to an embargo, to keep their seafaring men at home, in whom, as they apprehended, consisted their greatest safety. In this they followed the practise of that country in such cases; in July, 1719, upon an alarm of the Spaniards, (tho' no directions or notice of danger had then been sent from England to Jamaica) Martial Law was proclaimed, and an embargo laid, of which no complaint was made at that time; And upon the whole, the ships which were laden had sailed just before the laying on this last embargo, those that were stopt could not for the most part have come away much sooner than they did and certainly what the merchants could loose in this single emergency whatever it might be, is not a consideration equal to the loss of so valuable a part of H.M. Dominions in America. The preparations which the Government here made for it's releif did most probably prevent the execution of the design which the Spaniards had formed upon it, and those in the Island have at least had this good effect from the alarm, that their fortifications are repaired, their people roused from the state of perfect indolence and security they were in, the Island is now in as good a posture of defence as it is capable of, and the plan is ready laid of the measures necessary to be taken in case of an invasion. *Without date or signature. v.* Debate in Parliament, Jan. 1730.) [*C.O.* 137, 53. *ff.* 132–135; *and* 137–140].

[? 1729]. **1056.** Lords Proprietors of Carolina to the King. *Refer* to their proposed surrender of their right and interest for £25,000. *Continue:* Memorialists laid their several titles before your Majesties Attorney and Solicitor General in July last, and a conveyance has been prepared with a covenant therein from your Memorialists, that they should consent to an Act of Parliament and they have for some time been in daily expectation of having their surrender accepted and purchase money paid; But they are now to their great surprise tolld this cant be done till an Act is first obtained. Some of your Memorialists have been detained in town to attend this affair much to their prejudice and the inhabitants, and state of the said Province greatly suffers from the present unsetled condition thereof *etc.* *Pray that* the surrender may be forthwith accepted on payment of the consideration mony or that they may have the full exercise of the powers granted by their Charter *etc.* [*C.O.* 5, 290. *p.* 279].

1729. **1057.** Some considerations upon the present state of the Massachusetts Bay. *Abstract.* The name of New England, in its largest extent, includes the Massachusetts Bay, New Hampshire, Connecticut and Rhode Island, but is most commonly applied to the Massachusetts Bay which is far more considerable than any of the rest in wealth, trade, products, manufactures, mines, fisherys, shipping, inhabitants and extent *etc.* *Continues:*—In the Charter granted in the third year of William and Mary, are contained many large and uncommon priviledges, far more extensive than those enjoyed by the people of Old England, dissonant from our Constitution, and as the event has shewn, ever incompatible with the dependence, which Colonys ought to have upon their Mother Kingdom. And yet, one of their best advocates has complaind in print, that this new charter was but the shadow of their old one; by which, I presume, he means it is not the same with those of Connecticut, or Rhode Island, two little Commonwealths in the same neighbourhood, who hold no manner of correspondence with the Government at home except when their boundarys are attackd or their property invaded by their neighbours *etc.* One would imagine that any reasonable people might have rested satisfyed with the enjoyment of such ample priviledges; But the experience of many years has shewn, that there is hardly a liberty granted them by this Charter, which they have not extended beyond its due bounds, nor a reservation in behalf of the Crown, which they have not encroached upon: To speak truth, the cords that hold them are so very slender. the transition from the state they are in to that of an intire independence, so easy, I am not astonished, that men of warm imaginations, and depraved judgments, should think that, a desirable condition, which would prove the greatest misfortune, that could possibly befall them. *Refers to* disputes with Governors and quotes Order in Council 1st June, 1725, upon the complaint of Col. Shute. *Continues* :—Such was the lenity of the Crown even after the highest provocation, that this whole complaint ended in an explanatory Charter, upon two points only, already determin'd by the Attorney and Sollicitor General, to be the right of the King, and such was the obstinacy of these people, the acceptance of this Charter was long debated by their Assembly and carried by a very small majority *etc.* Their behaviour ever since has been but a very bad return to the Government, for not laying hold of so justifiable an occasion to vacate the Charter *etc.* Even in this present year they contest with the Governour and Councill the power of appointing an Attorney General, with great difficulty submit to the Governour's undoubted right, of putting a negative on Councillors chosen by them, and stubbornly refuse, notwithstanding repeated recommendations for that purpose from the Crown, to establish a fixt sallary on their Governour for the time of his residence, altho' they have many years establish'd salarys by law, on their Councillors and Assembly men for the time being, thereby endeavouring to keep the said Governour dependent upon them, and to oblige him to give up the Prerogative, and interest of Great Brittain upon all occasions, for a subsistence, which must probably have been the case, if the late Governour, Mr. Burnet, had not with an uncommon integrity, even under the difficultys of a narrow fortune, strictly adhered to H.M. Instructions. It has generally been the wisdom and goodness of the Crown, in establishing of Colonys in America, not only to grant to the inhabitants, all the priviledges of English men, but likewise to model their Constitution, as near as possible, to that of Great Brittain, particularly in their Legislative powers, where the Governours represent the person of the King, their Councillors the House of Lords and their Assemblys the House of Commons : and these little Parliaments are all of them impowered to make such laws as may be suitable to their particular situations and circumstances, provided they be not repugnant to those of their Mother Kingdom, to the Prerogative of the Crown, or prejudicial to the trade and interest of Great Brittain : But discretional powers are lodg'd in the Governours, under proper Instructions, to give their assent, or negative to these laws ; and these powers are the greatest securitys we have, against the misbehaviour of the Colonys, in any of the above-mentioned particulars. And indeed the more powerfull our Plantations grow, the more it behoves us to have a watchfull eye upon their conduct, more especially over such of them, as have few or no staple commoditys of their own to exchange with us, and whose product is generally the same with that of Great Brittain, which lays them under strong temptations of interfering with us in our manufactures, commerce, shipping and navigation, as is very much the case of all the Colonys to the Northward of Virginia, but more particularly of the Massachusetts Bay. It must be allowd that by the Charter of this Colony the appointment of the Governour is reserved to the Crown, the Governour, if he pleases, may refuse his approbation to any Councillor presented to him; But the people choose the Assembly, the Assembly choose the Councill, and what is still worst of all, the Governour has hitherto depended upon the Assembly for his maintenance, which has allways been more or less considerable, in proportion to his behaviour; and whenever a Governour has had spirit enough to refuse his assent to bills of a nature contrary to his Instructions, he has been but very slenderly provided for, as was eminently the case of Mr. Dummer, from whence it is clear, that, almost in all events, there are two to one in the ballance of the Legislature against the Crown, and if the Governour be not incorruptible, a combination of all the three branches, without controll, to advance the interest of New England, at the expence of Great Brittain. For altho' their laws may be repealed by the Crown, when they come home, *etc.*, yet, as by their Charter there is no precise time fixt for the transmission of them, they may have their effect long before they get home, which is allmost allways the case, and then the evil becomes irretrievable. No wonder therefore, if, under these circumstances, the people of New England should be desirous to keep their Governour dependent upon them. *Quotes H.M. Orders and Instructions for fixing a salary etc., 22nd May etc. and letter from the Agents to the Assembly, 25th April, 1729, printed in their Journal, advancing reasons for refusing, who wrote* :—" Upon the hearing it seemd to be a point rested in on all sides, that the people have certainly the power of raising the Governour's support, and of fixing it or not fixing it, as they judge it most for H.M. service, and the welfare of the People: But then it was urged that the King's Governour must not be so dependent on the people as to be at uncertainty in his support, and that if finally the Assembly would not fix the sallary, the affair must come before the Parliament. Whether it will take that turn or not, time alone will discover. And as there are many things to be considered from the constant vicissitude of all human affairs, and if we suppose the thing itself, we come into an Assembly allways the supporters of Liberty and Property: these things considered, and from the advice of the best friends of New England, we can by no means think it prudent just or reasonable, but an infringement of the rights vested in the people by the Royal Charter, to fix a salary on a Governour by virtue of an Instruction. Of what value is the Charter, if an Instruction shall at pleasure take away every valuable part of it? If we must be finally compelled to a fixt sallary, doubtless it must be better that it be done by the European Legislature than do it ourselves, if our Liberties must be lost, much better they should be taken away, than we be in any measure accessory to our own ruin. But we cannot be of opinion that the Parliament would judge it consistent with the Charter, and therefore not just to make a law, to fix a sallary on the present Governour " *etc.* *Signed,* Francis Wilks, Jonathan Belcher. *Continues* :—I have no manner of doubt but these Agents speak the sence of their Assembly, but the only moral I can gather from their letter is, that it is a very easy matter to persuade people to what they have a mind to, for the summe of their reasoning amounts to this, they would much rather the Parliament of England should repeal their Charter, than their Assembly should pay the least regard to H.M. Instructions, for if the Charter does not make them quite independent of the Crown, it is not worth the keeping *etc.* As to their hope that the vicissitude of human affairs may produce things in their favour *etc.*, surely there never was a Brittish Parliament yet so abject, as to give into the resentment of a factious Colony, in opposition to the just prerogative of the Crown, and the apparent interest of their own country *etc.* Can it bear a debate in a Brittish House of Commons, whether a Colony of our own tho' never so powerfull should be suffered to rival us in trade with impunity ? Whether a Plantation that owes its being and welfare to the bounty of the Crown, and the protection of England, should pay a due obedience to H.M. just orders, and to the laws and statutes of their Mother-Kingdom ? Whether their Governour shall depend upon them for his dayly bread, or be left at liberty impartially to discharge the trust reposed in him ? Whether the people of the Massachusets Bay shall without comptroll break the laws of Trade and Navigation, and erect themselves into an Independent State ? Whether their ordinances shall for the future have any effect before they have been approved by the Crown ? Whether this Colony shall enjoy priviledges, never thought of in Great Britain, but under the times of usurpation ? and whether a Charter, establishing a constitution so widely different from our own, by experience found to be productive of so many disorders, does not stand in need of a reforme ? Are the people of the Massachusets Bay, desirous to enjoy all the libertys of Englishmen ? In God's name let them do so: But then let them be contented with such libertys as Englishmen enjoy, and stretch their boundary no further. Have they a particular Charter ? Why were they not contented with the fair enjoyment of it ? Why would they, by the obstinacy of their behaviour, by their perpetual struggles for independency, bring the validity, or expedience, of that Charter in question. If the Crown has a right to grant charters, has not the Parliament a right to repeal them when they are found hurtfull to the publick ? and have not charters of this sort been frequently repealed by the Legislature of Great Brittain ? But they have joyned issue with the Crown upon this head. Ad Parliamentum appellant, ad Parliamentum ibunt. And certainly if ever any point was worthy the consideration of Parliament, this will be so: For the question is not barely, whether the people of the Massachusets Bay shall give their Governour a sallary? nor even in what manner they ought to give it? But whether their repeated refusals upon this head compar'd with the whole course of their conduct, for many years past, does not manifestly tend to the throwing off their dependence upon the Crown? and whether it is not high time to put a stop to these proceedings? It was wisely said by one of the ablest men that ever publishd his thoughts upon commerce that we had lost all that was loose about us, and that if the Acts of Navigation did not preserve the remainder, we should have none left. If this observation be applicable to trade in general, it is certainly so in a more particular manner to our American Colonys: all wise people have ever secured the dependence of their Plantations, by the strongest tyes that human prudence could invent, and perhaps our settlements may be of as much consequence to us as Mexico and Peru to Spain. They take off above a million sterling annually in our manufactures and products, they employ two-thirds of the shipping of Great Brittain and contribute very largely towards bringing the ballance of trade in all parts of Europe in our favour: But in one respect they can never be sufficiently valued, as they give us a trade, which cannot possibly be lost, but by our own neglect; and shall we lose this trade? God forbid! but can we hope to keep it, if our Colonys grow independent? Let it be considered that the produce, mines and manufactures of this country, for the most part, are the same with our own, that they have many advantages over us in the Fishery, that they rival us in foreign markets, that they furnish other nations with shipping and timber, that they have already almost quite beaten us out of the ship-building trade, that they have a general disregard for the laws of trade and other statutes of this Realm, that they yearly debauch great number of our sailors into their service, that they are the principal cause of all the disorders yearly complain'd of in the Newfoundland Fishery, that they have constantly driven a most pernicious trade with Surinam, Martinico and other foreign Plantations, who without their horses, timber and provisions could hardly have carryed on their sugar works *etc.* as they have done to the great damage of our own, and that, notwithstanding their Charter is founded in liberty of conscience, they have assumed to themselves all the powers of an Establisht Church, have grievously oppressed their fellow subjects differing from them in persuasion, and imprisoned the Quakers, for not contributing to the maintenance of their Ministers. Let it be considered that the people we are now contending with, possess a vast tract of land, and a fertile

1729.

soil it is *etc.* That they were able, some years ago, to bring above 16,000 fighting men into the field, that the number of their inhabitants then consisted of near 100,000 souls, and in all probability are at present much more numerous, for their Militia in the space of sixteen years only from 1702 to 1718 increased one third. That they annually build about 150 vessels of all sorts, chiefly for sale, and that about 190 sail do constantly belong to this Province. That they are daily destroying the King's Woods in defiance of their Charter, and of our Acts of Parliament which have reserved them for the service of the Royal Navy. That they have several strong forts and convenient harbours and can upon occasion raise more men and mony, than half the Brittish Colonys upon the Continent of America. That their Assembly are constantly encroaching upon the Royal authority, that they have attempted to take the command of the forts and troops into their own hands, that they have assumed the power of dispensing with their own laws, that they have treated their Governor with contempt for endeavouring to persuade them to comply with the King's Instructions, and have had the boldness to complain of him to H.M. for not concurring with them in raising supplys in a method altogether unwarrantable, by a vote instead of an act of Assembly, directly contrary to their Charter, and that they have for some time past usurped a power of directing payment of the annual supplys raised and appropriated for the support of their Government, whereby the officers of this Province both civil and military become dependent upon the said Assembly for their pay, even after the services performed. Much more might be said upon this subject, but this perhaps may be sufficient to awaken us, I wish it may, I have stated their circumstances in an impartial light; Let the Patrons of Brittish Liberty and Commerce determine concerning them. 50 *pp.* [*C.O.* 5, 752. *No.* 45].

1729–1743. **1058.** Index to MS. records of Leeward Islands. [*C.O.* 326, 43].

1729. **1059.** Correspondence of Commandants of Essquibo with the Directors of the Dutch West India Company. [*C.O.* 116, 25, 26].

1060. Shipping returns, Nevis, 1720–1729. [*C.O.* 187, 2].

ADDENDA, 1728.

1728.
June 6.
(4th mo.)
Water lane,
Londo.

1061. Mr. Partridge, Agent of Rhode Island, to Mr. Popple. Understanding there is like to be made some application at the ensuing Congress at Soisons for obtaining satisfaction from Spain for the ships taken by the Spaniards belonging to English merchants I do therefore send thee herewith an accot. of a ship belonging to Rhd. Island taken about 4 yrs. since, from Capt. Wanton whose Attorney I am, we endeavoured to get satisfaction from ye Court of Spain as will appear by *enclosed* papers *etc.*, but we never could recover anything at all: so now I desire thou wouldst please to let this ship and cargo amo. to upwards of £1,800. 0. 0. sterling be incerted amoung such accots. as are to be transmitted to ye Congress, I am, Thy Friend, *Signed*, Richd. Partridge. *Endorsed*, Recd. Read 6th June, 1728. 1 *p.* *Enclosed*,

1061. i. Petition of William Wanton to the King, 1725. Owner with his father, Col. Wm. Wanton of Rhode Island, petitioner sailed in command of the ship *Wanton* in Dec. 1723 with a cargo for St. Christophers. Leaving Jamaica in April, 1724, he was forced by a storm to put into the island of Chincherna near Cape Catock in search of water, where they were seized by the Spaniards and detained to the damage of £1800 sterl. He had had no commerce with any Spaniards nor any contraband or Spanish goods on board. The Spaniards took all his papers and treated the crew very barbarously, hanging up some by the neck, with a drawn cutlass held at their throats, on pretence to make them confess where they were bound. They were carried to Campeachy and put in prison, and in the following June to Vera Cruz and put in prison almost knee deep in water, and was then released by the intercession of Capt. Wm. Cleland of the *Royal Prince* and the English factory there *etc.* *Prays for restitution etc.* 2 *pp.*

1061. ii. Estimated value of cargo of the *Wanton*, £1800 sterling. 1 *p.*

1061. iii. Duke of Newcastle to Mr. Stanhope, Ambassador at Madrid. Directs him to use his endeavours to obtain a full and speedy satisfaction from the Court of Spain *etc.* *Signed*, Holles Newcastle. Copy. 2 *pp.*

1061. iv, v. Depositions of William Wanton, jr., Capt., and Caleb Godfrey, mate of the *Wanton*, confirming *No.* 1.

1728.

1061. vi. Deposition of William Wanton, 14th Jan., 1725. The *Wanton* was never condemned, and the Governor of Merida and Campeachy refused deponent's application for her trial. 1 *p.* [*C.O.* 388, 27. *Nos.* 29, 29. i-vi].

June 13. **1062.** Memorial of loss and damage (£91 18*s.* 6*d.*) suffered by Obadiah Osborn, passenger on board the *Anne etc. Signed,* Obadiah Osborn. *Certified by,* Will. Hore, Jethro. Osborn. 1 *p.* [*C.O.* 388, 27. *No.* 83].

[1728]. **1063.** Draft of H.M. licence to Ralph Gulston of London to cut six ships' loadings of masts in New England in 1728, 1729, 1730, and 1731, for the use of H.M. Navy *etc.* 5½ *pp.* [*C.O.* 5, 12. *ff.* 77–79*v.*].

1725–1728. **1064.** List of causes determined in the Court of Common Pleas, Barbados. [*C.O.* 33, 28].

1728–1731. **1065.** List of causes determined in the Court of Common Pleas, Barbados. [*C.O.* 33, 29].

1728–1753. **1066.** Shipping returns, Barbados. [*C.O.* 33, 16].

1728. **1067.** Correspondence of Commandants of Essquibo with Directors of the Dutch West India Company. [*C.O.* 116, 25].

ADDENDA, 1729.

1729.
July 30. **1068.** Mr. Fane to the Council of Trade and Plantations. Has no objection to two private acts of New York, 1728, for naturalizing (i) Jan de Wit *etc.* and (ii) Thomas Timmer, except that there is not therein the clause directed to be incerted in every private act, suspending the execution of it till it has received the royal assent. *Signed,* Fran. Fane. *Endorsed,* To be considered. Recd. 30th July, 1729, Read 28th Nov., 1735. 1 *p.* [*C.O.* 5, 1058. *ff.* 11, 14 *v.*].

Oct. 31. Whitehall. **1069.** Order of Committee of Council. Referring extracts (enclosed) from Governor Hunter's letters relating to a fort at Port Antonio, to the Council of Trade *etc.* *Set out,* A.P.C. III. *No.* 191. *Signed,* Temple Stanyan. *Endorsed,* Recd. 5th, Read 26th Nov. 1729. 1¼ pp. [*C.O.* 137, 18. *ff.* 39–40, 41, 42, 42*v.*, 46*v.*]

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